

# NOTICE OF MEETING

*CITY OF BRANSON*



## PLANNING & ZONING COMMISSION REGULAR MEETING

*Regular Meeting – Tuesday, September 6, 2011 – 7:30 p.m.*  
Council Chambers – Branson City Hall – 110 W. Maddux St.

## PLANNING & ZONING COMMISSION AGENDA

September 6, 2011  
7:30 p.m.  
Council Chambers

### ROLL CALL

[POWERPOINT]

1. **Approve Agenda.**  
**Recommended Action:** A) Approve the format of the September 6, 2011 agenda.

### PUBLIC COMMENTS

### REGULAR AGENDA ITEMS

2. **Approve Minutes.**  
**Recommended Action:** A) Approve the minutes of the August 2, 2011 study session;  
B) Approve the minutes of the August 2, 2011 regular meeting.

### OLD BUSINESS

3. **Request for a Municipal Code Amendment to Appendix A, Sections 400.040, 405.030, 405.040 and 410.040 Pertaining to Uses Permitted and Special Uses.**  
**Project No. 11-12.1 (11-01200001)**  
**Applicant:** City of Branson

### PUBLIC HEARING AGENDA ITEMS

4. **Request for a Planned Development Amendment to the Branson Hills Land Use Regulations, PD 2005-007, to allow Additional Irrigation Wells.**  
**Project No. 11-5.2 (11-00500002)**  
**Applicant:** Rick Huffman

### COMMISSIONER & STAFF REPORTS

### ADJOURNMENT

# PLANNING & ZONING COMMISSION

September 6, 2011

**ROLL CALL**



# 1) Approve Agenda (September 6, 2011)

- REQUEST FOR A MUNICIPAL CODE AMENDMENT
  - APPENDIX A, SECTIONS 400.040, 405.030, 405.040 & 410.040
- REQUEST FOR A PLANNED DEVELOPMENT AMENDMENT
  - BRANSON HILLS (PD 2005-007)

**PUBLIC COMMENTS**

## **REGULAR AGENDA ITEMS**

## 2) Approve Minutes

- P&Z Commission Study Session  
(August 2, 2011)
- P&Z Commission Regular Meeting  
(August 2, 2011)

**OLD BUSINESS**

# 3) MUNICIPAL CODE AMENDMENT

- Section 400.040. Definitions
  - Addition of: Animal hospital, Animal kennel, **Antique shop**, Art gallery, Auto rental, **Auto repair**, **Auto sales**, **Bank and financial institution**, **Barber[shop] and beauty shop**, Billiard hall, Bowling alley, Car wash, **Church**, Commercial recreation, indoor, Commercial recreation, outdoor, Community Center, Convenience food store, **Department store**, **Drugstore or pharmacy**, **Dry cleaners**, Exhibition center, **Feed store**, **Florist**, Go-kart track, **Golf course**, **Government office**, **Grocery store**, Laundromat, Laundry pick-up station, Library, **Lumberyard**, **Massage establishment**, Medical office or clinic, Miniature golf, **Mobile home**, Museum, Recording studio, **Newspaper publishing**, **Newsstand**, Pet groomer, Pet shop, Portable structure, **Professional and general offices**, **Public utility offices**, Rental storage operations, **Restaurant**, **School**, public, private or denominational, **Service station**, **Theater**, Wares, **Wholesale operations**.

### 3) MUNICIPAL CODE AMENDMENT

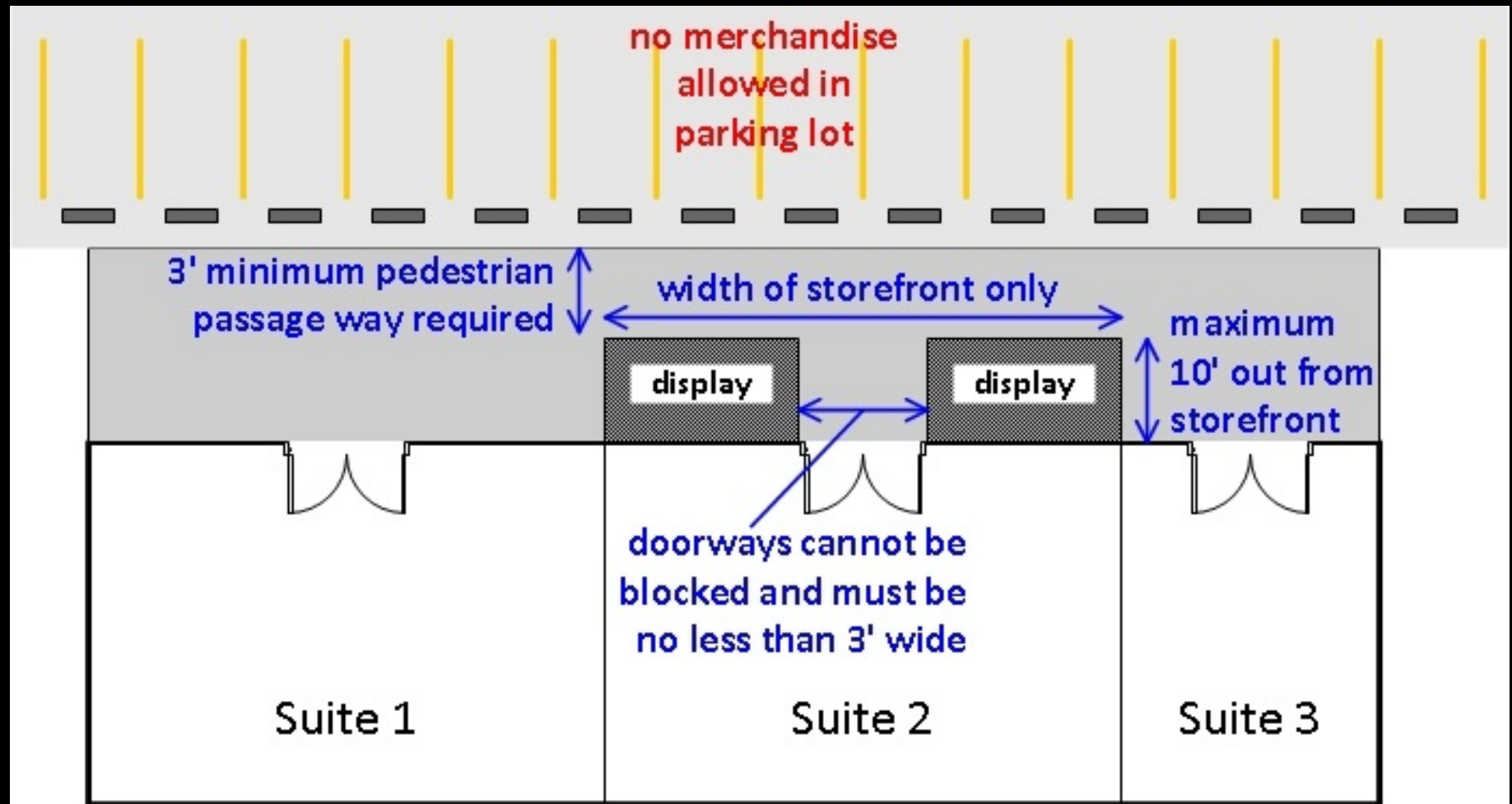
- Section 405.030
  - Increase the time period from six months to twelve months for which a nonconforming use could cease before it would be required to conform to the regulations for its district
  - Change the term “*conditional use*” to “*special use*” to match the current terminology
- Section 405.040
  - Remove “*existing structures nor to*” as special uses are never tied to structures but only to property
  - Add a statement about the transferability of a special use permit being allowed barring any substantial changes or modifications to the operation
  - Add a statement about a special use permit being valid for an unlimited period of time unless a shorter time is determined by the Commission, which can then be extended by the property owner upon request

# 3) MUNICIPAL CODE AMENDMENT

- Section 410.040
  - C commercial uses permitted:
    - Added: Art gallery, Commercial recreation, indoor, Community Center, Convenience food store, Laundromat, Laundry pick-up station, Library, Medical office or clinic, Pet groomer, Pharmacy, Recording studio & Display of wares (not within parking areas)
    - Added from special uses permitted: Dry cleaners, Government office, Pet shop
    - Removed: Appliance store, Arts and crafts, Clothing and shoe store, Furniture store, Hardware store, Music store and studio, Self-service laundry, Sporting goods store, Planned development
  - C commercial special uses permitted:
    - Added: Animal kennel, Auto rental, Car wash, Museum or exhibition center, Rental storage operations, Display of wares (within parking)
    - Removed: Dry cleaners, Government office, Pet shop



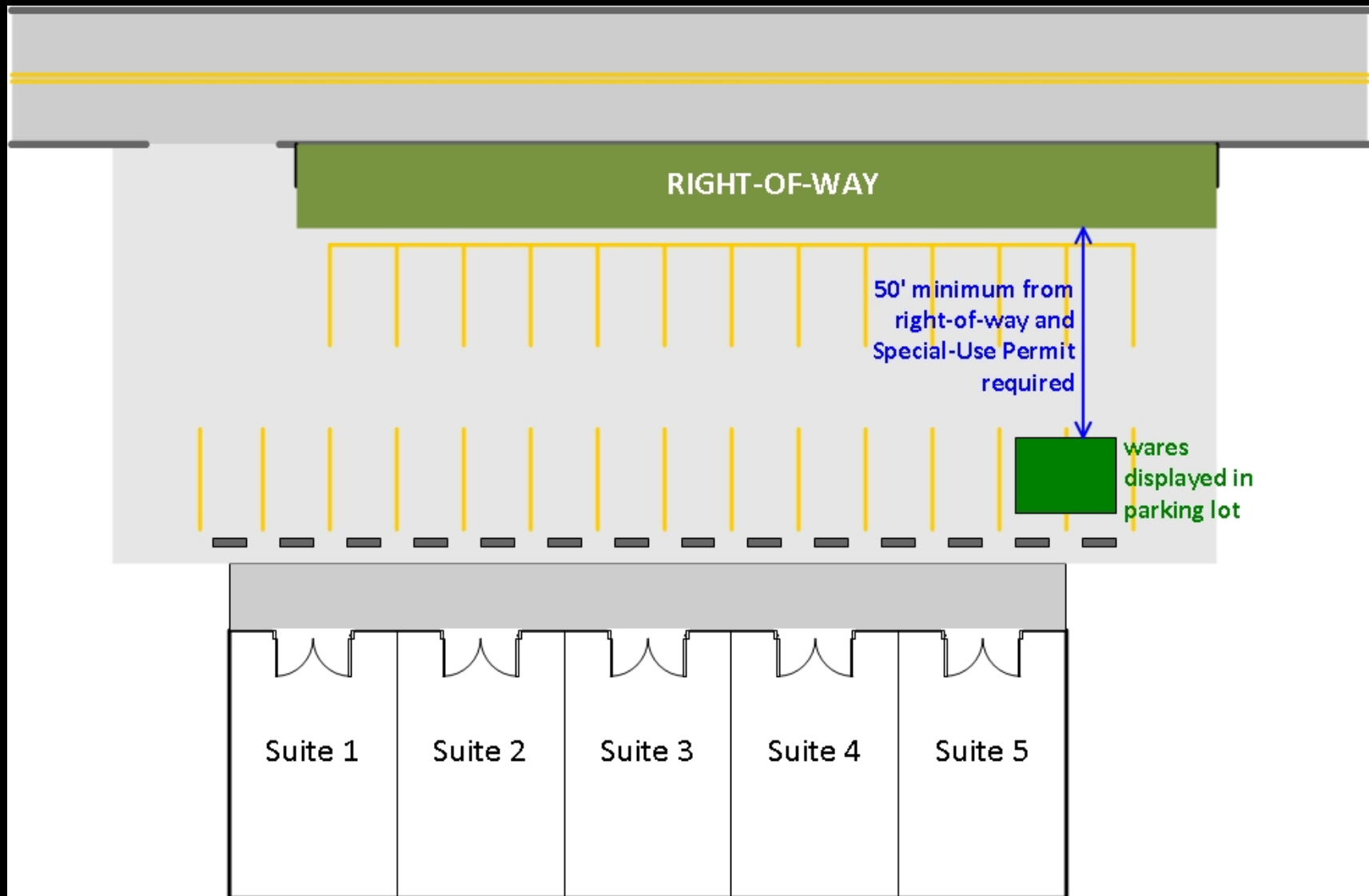
### 3) MUNICIPAL CODE AMENDMENT



### 3) MUNICIPAL CODE AMENDMENT

- Display of wares (not in a parking area) – Permitted Use
  - Shall be located within the property limits of the business from which it is being sold
  - Shall not extend beyond the front of that business's building frontage or more than 10 feet outward from the front of the business's building
  - Shall not be placed within, or interfere with any parking area or space(s)
  - Shall not block any pedestrian way, a minimum clearance width of 3 feet shall be provided
  - Shall not block any sight triangle or the view of on-coming traffic
  - Shall not be hung resulting in a clearance less than 8 feet above a pedestrian way
  - Any associated signage shall be limited to the ware's price and name
  - Any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm (includes movement driven by the movement of air or by mechanical or electrical means)

### 3) MUNICIPAL CODE AMENDMENT



### 3) MUNICIPAL CODE AMENDMENT

- Display of wares (within a parking area) – Special Use Permit
  - Shall be located within the physical property limits of the business from which it is being sold
  - Shall not be located within 50 feet of any property boundary
  - Shall not block any pedestrian way, a minimum clearance width of 3 feet shall be provided
  - Shall not block any sight triangle or the view of on-coming traffic
  - Any associated signage shall be limited to the ware's price and name
  - Any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm (includes movement driven by the movement of air or by mechanical or electrical means)



### 3) MUNICIPAL CODE AMENDMENT





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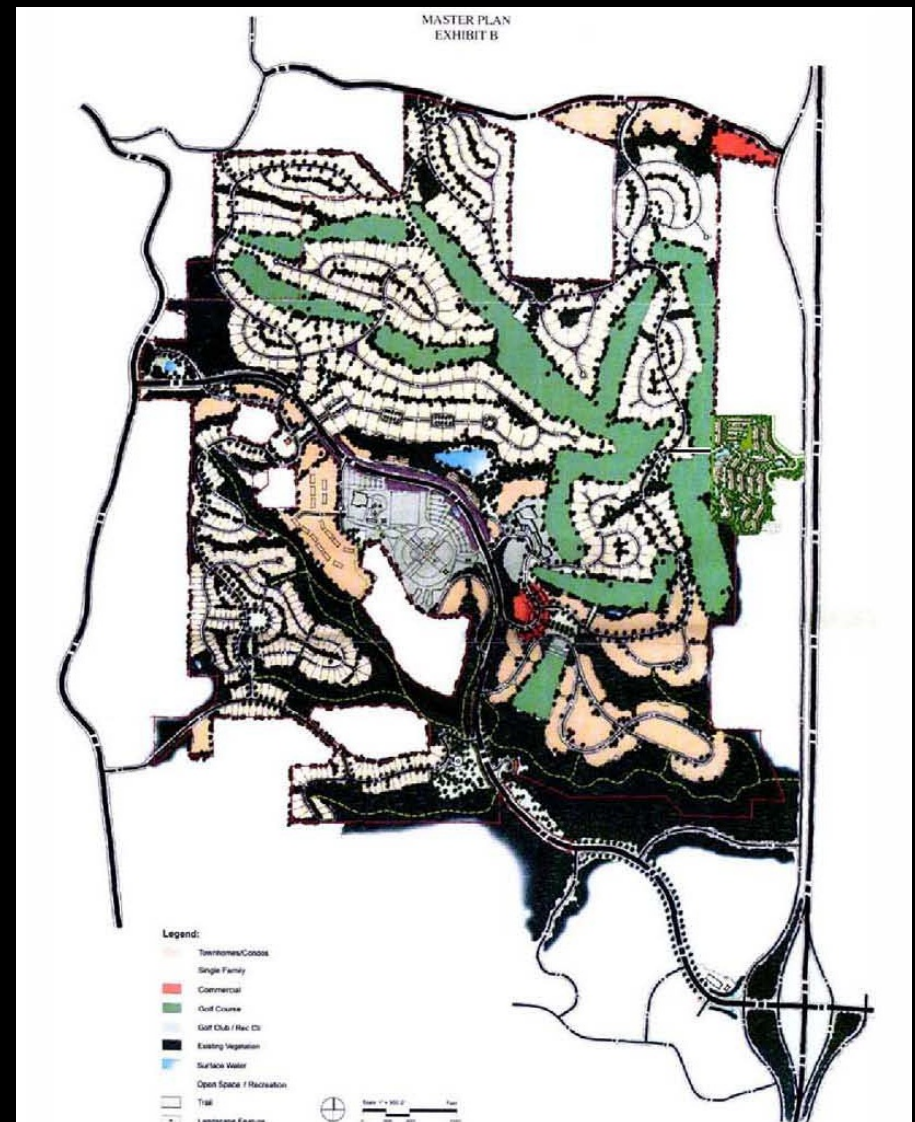
**STAFF RECOMMENDS APPROVAL...**

# **PUBLIC HEARING AGENDA ITEMS**

## 4) PD AMENDMENT

### Branson Hills PD

- Approximately 1,100 acres
- Zoned: PD planned dev.
- Applicant's Request:  
Amendment allowing 2 additional wells to be used for irrigation





# VICINITY MAP

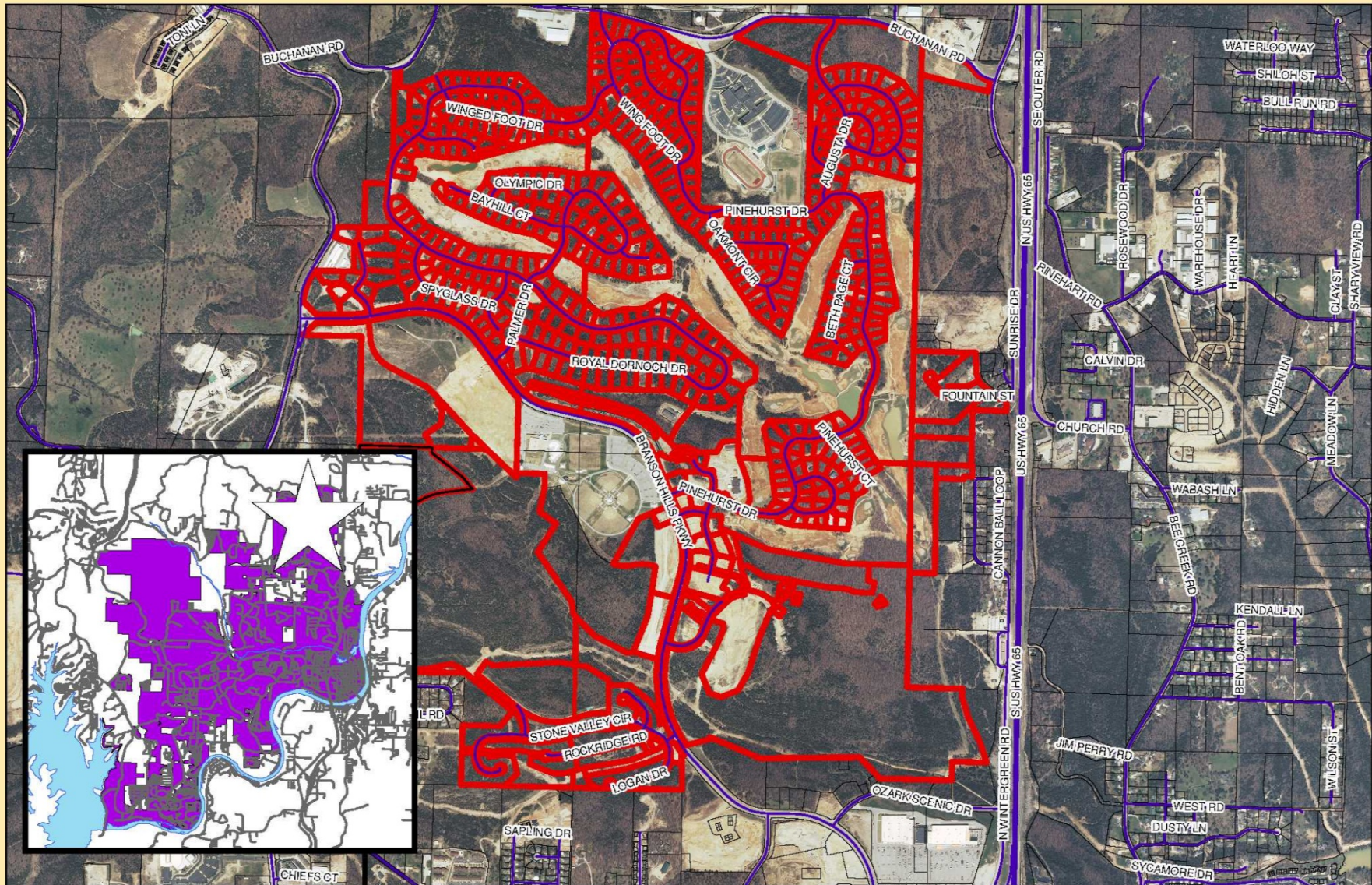
## Branson Hills Planned Development

### City of Branson, Missouri

City of Branson, Taney County, Missouri  
Planning and Development Dept.  
August 2011



012210 480 720 950 Feet  
1" = 100'





# VICINITY MAP

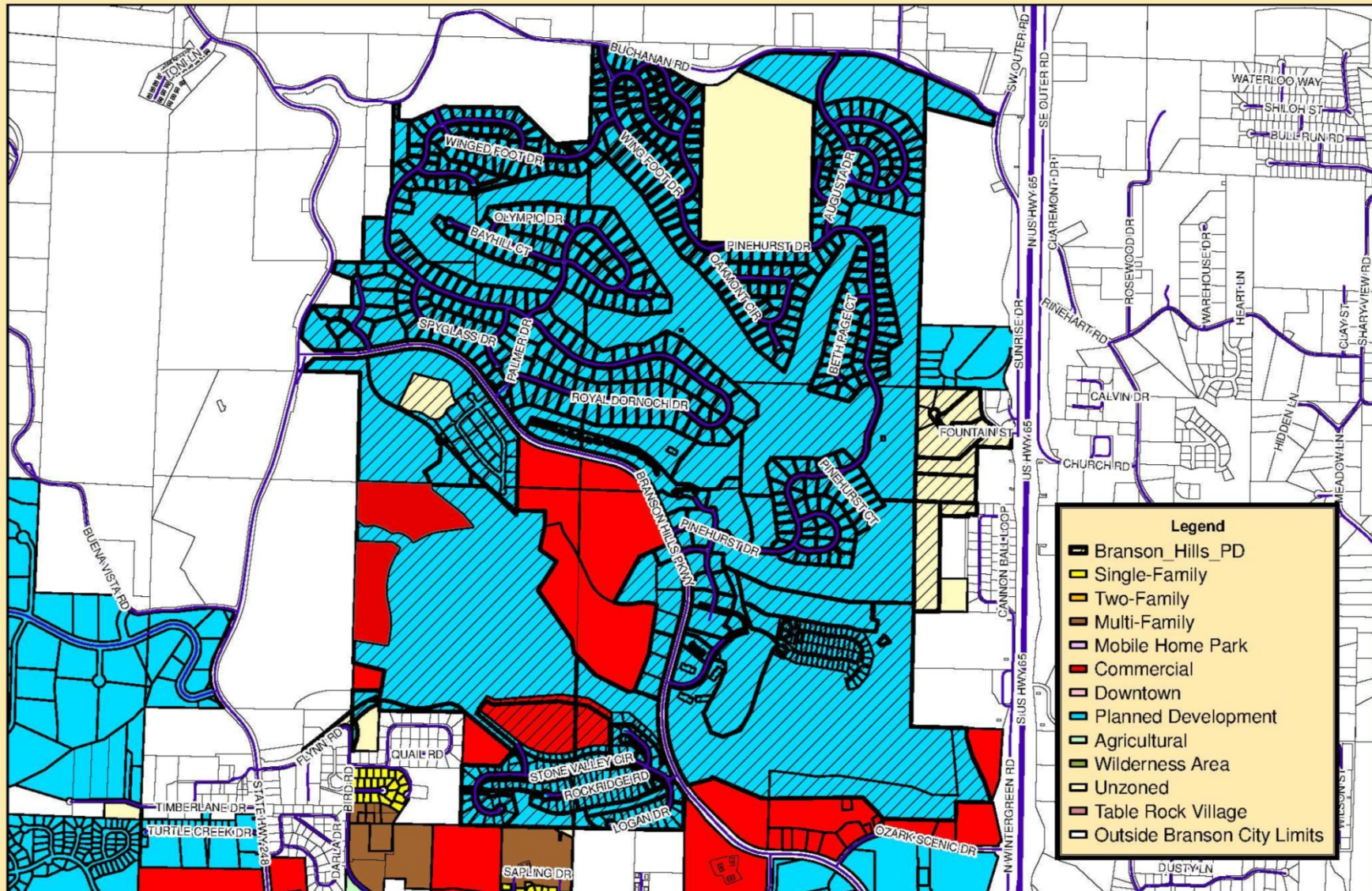
## Branson Hills Planned Development

### City of Branson, Missouri

City of Branson, Taney County, Missouri  
Planning and Development Dept.  
August 2011



0 1250 500 750 1,000 Feet

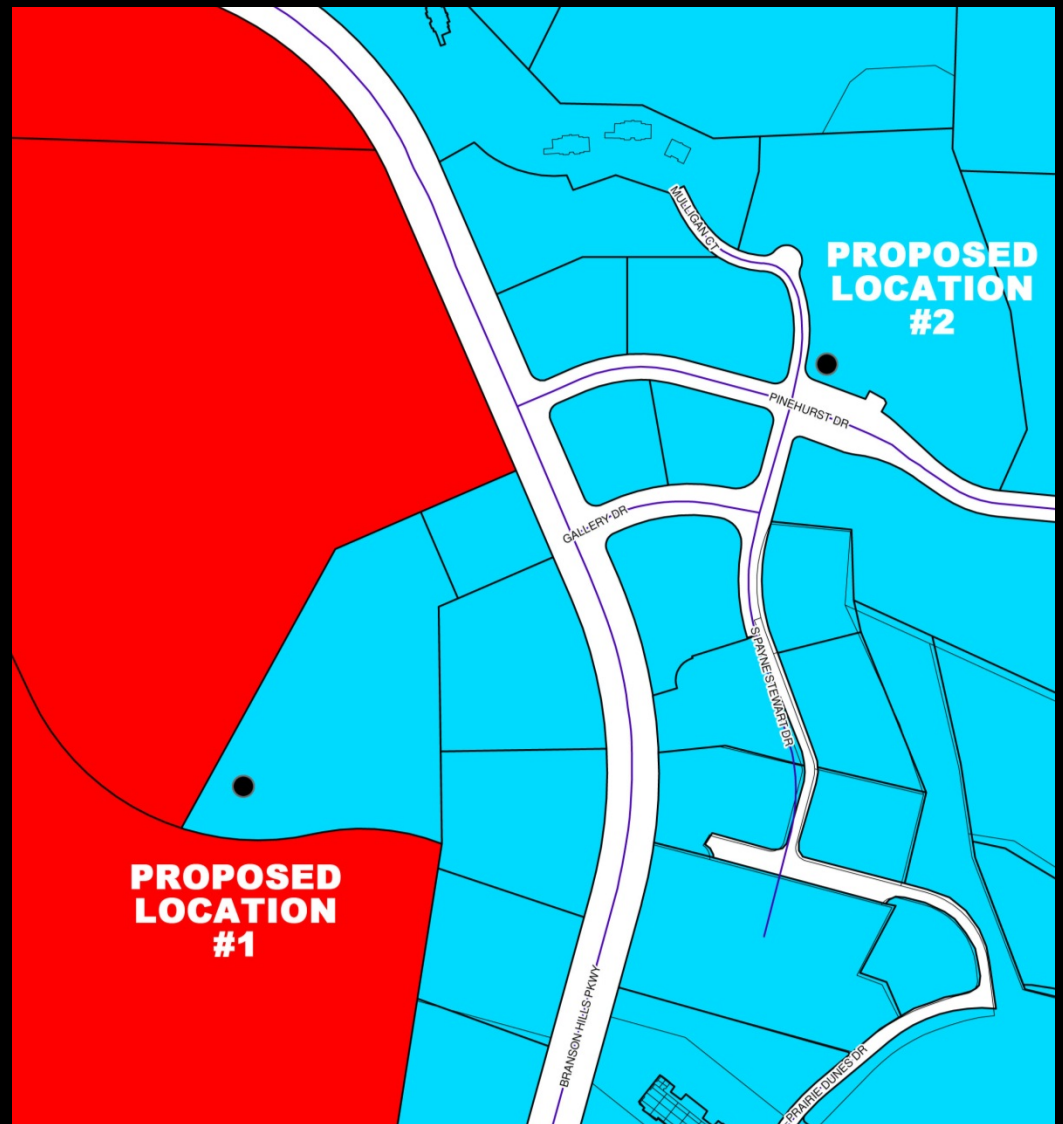


## 4) PD AMENDMENT

- Section 90-51 (BMC) states that drilling and/or use of individual water wells within the city limits is prohibited
- Section 3.05 WATER WELL ENTITLEMENT
  - Allowed the developer to construct 2 wells solely for irrigation purposes
    - Provided assistance with water needs for golf course
  - Request to gain authority to construct 2 additional wells for additional irrigation purposes
    - The Greens
    - The Payne Stewart Golf Club clubhouse area
  - Branson Hills is located in Public Water District #3

## 4) PD AMENDMENT

- Location #1
  - The Greens
- Location #2
  - Clubhouse Area



## 4) PD AMENDMENT

### **STAFF RECOMMENDS APPROVAL...**

#### **BASED ON THE FOLLOWING:**

- 1. The following phrase, “and other purposes as the Developer sees fit throughout the property” shall be deleted from Section 3.05 WATER WELL ENTITLEMENT of PD 2005-007; and,**
- 2. The developer shall continue to honor the Settlement Agreement dated the 25<sup>th</sup> of August, 2006, more particularly 2.6 Maintenance of Final ROW, by replacing the deceased trees specifically along Branson Hills Parkway.**



# COMMISSIONER & STAFF REPORTS

**ADJOURNMENT**



**Branson Planning and Zoning Commission  
Staff Report and Recommendation  
Project No. 11-01200001**

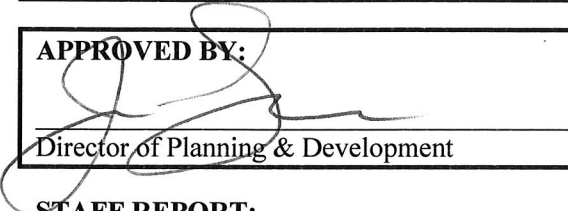
**OWNER/APPLICANT:** CITY OF BRANSON

**ITEM/SUBJECT:** REQUEST FOR A MUNICIPAL CODE AMENDMENT TO  
APPENDIX A, SECTIONS 400.040, 405.030, 405.040 AND  
410.040 PERTAINING TO USES PERMITTED AND  
SPECIAL USES.

**DATE:** SEPTEMBER 6, 2011

**INITIATING DEPARTMENT:** PLANNING & DEVELOPMENT

**APPROVED BY:**

  
\_\_\_\_\_  
Director of Planning & Development

8/30/11  
\_\_\_\_\_  
Date

**STAFF REPORT:**

A Municipal Code Amendment Application has been initiated by the City of Branson for Appendix A, Sections 400.040, 405.030, 405.040 and 410.040 pertaining to uses permitted and special uses.

The proposed changes will allow clarity through the addition of several definitions and revised lists for both permitted uses and special uses. The main distinction between permitted uses and special uses is if that use occurs within a structure or not. For instance, a typical retail establishment is considered an indoor use and therefore is listed as a permitted use. In contrast, an animal kennel operation typically includes outdoor runs and is therefore being recommended to be added to the list of special uses due to the potential effects it could have on its neighboring properties. Although a theater and a museum are typically indoor uses as well, due to the potential impacts they may have on surrounding properties, these uses are being recommended to remain as uses requiring a special use permit.

Recently there have been several discussions regarding the transferability of a special use permit. Within Section 405.040, two additional subsections are being recommended to address this topic. The first states that a special use shall stay with the property and shall be transferable from owner to owner barring any substantial changes or modifications of the operation. The other states that a special use permit shall be valid for an unlimited period of time unless otherwise specified for a particular permit. Any permit with a time limit may have it reviewed by the Planning & Zoning Commission to extend it for an unlimited period or for a specified additional number of years.

**STAFF RECOMMENDATION:**

Staff recommends approval of Resolution 11-01200001.

**COMMENTS:**

No comments were submitted by any of the departments relating to the applicant's request.

**ATTACHED INFORMATION:** 1) Resolution No. 11-01200001

**PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 11-12.1 (11-01200001)**

**A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF A MUNICIPAL CODE AMENDMENT TO APPENDIX A, SECTIONS 400.040, 405.030, 405.040 AND 410.040 PERTAINING TO USES PERMITTED AND SPECIAL USES.**

**WHEREAS**, certain areas of the Branson Municipal Code are in need of amendment; and,

**WHEREAS**, it is the desire of the Planning and Zoning Commission for the City of Branson to have zoning regulations in the Branson Municipal Code that are clear and concise for understanding and interpretation; and,

**WHEREAS**, it is the desire of the Planning and Zoning Commission for the City of Branson to insure that the Zoning Ordinance is current and user friendly; and,

**WHEREAS**, the Planning and Zoning Commission for the City of Branson has determined that amendments to the Branson Municipal Code are reasonable and necessary; and,

**WHEREAS**, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning and Zoning Commission for amendments to the Land Use Regulations; and,

**WHEREAS**, a Public Hearing was held before the Branson Planning and Zoning Commission on August 2, 2011, at 7:30 pm, in the City Council Chambers located at 110 W. Maddux St., Branson, Missouri.

**BE IT THEREFORE RESOLVED**, that the Planning and Zoning Commission for the City of Branson hereby recommends approval of a Municipal Code Amendment to Appendix A, Sections 400.040, 405.030, 405.040 and 410.040 pertaining to Uses Permitted and Special Uses, as described by Exhibit 'A', attached hereto and incorporated by reference herein.

**DONE THIS 6<sup>TH</sup> DAY OF SEPTEMBER, 2011, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.**

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Clark Harris - Chairman

ATTEST:

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Jim Lawson Jr. - Director of Planning and Development

## EXHIBIT 'A'

### CHAPTER 400. GENERAL PROVISIONS

#### Section 400.040. Definitions.

For the purpose of this title [appendix], certain terms and words are hereby defined as follows: Verbs used in the present tense shall include the future; words in the singular shall include the plural; words in the plural shall include the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory. Any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning.

*Abutting:* Contiguous or sharing any point of contact. Distance from a contiguous zoning district shall be measured from the common property boundary, or if separated by public right-of-way, the width of the right-of-way shall be measured and credited as part of any required separation distance.

*Accessory structure:* Any structure which is not the primary structure on a premises, detached but on the same premises as the primary structure. (The term will replace the term "accessory building" in all cases where it is used in the code.)

*Accommodations:* Any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, or any other private or commercial structure which is situated on real property and designed for occupancy by one or more individuals, which is made available to the purchasers of a timeshare plan.

*Alley:* Minor way, dedicated to public use, used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

*Amusement park:* A facility, less than ten acres in area, that may include amusement parlors, structures, buildings and premises, where there are various devices for entertainment, which may include rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

*Amusement parlor:* A facility, located primarily within a building, where there are various devices for entertainment, which may include rides, booths for conduct of games or sale of items, restaurants and souvenir sales.

**Animal hospital:** A facility for the diagnosis and treatment of pets and other animals including, but not limited to, dogs, cats, birds, and horses. No outside boarding of these animals shall be allowed overnight.

**Animal kennel:** A facility that includes outside runs for the enclosure of pets being boarded for a short period of time.

**Antique shop: An establishment offering articles for sale such as glass, china, furniture or similar furnishing or decorations which have value and significance as a result of age, design or sentiment.**

*Antenna support structure:* Any building or other structure which can be used for location and support of telecommunication facilities.

**Art gallery: A building or space where artwork is exhibited and sometimes sold.**

**Auto rental: A facility limited to office space, along with the display of automobiles, which for a fee, are rented or leased.**

**Auto repair: A facility that may provide and specialize in the repair of certain auto parts such as brakes, mufflers, collision repair or transmissions.**

**Auto sales: A facility used primarily for the sale of automobiles.**

*Auto salvage and wrecking:* Any location at which:

1. More than five inoperable vehicles or vehicles under repair are located, and all vehicles are located outside of an enclosed building, and said vehicles have been in a state of disrepair for 45 or more days, continuous or collective.
2. Automotive parts are being stored outside of any enclosed building.
3. The area is being used for storage of scrap metal, sheetmetal, piping, plumbing supplies, construction materials, glass, waste paper, tanks, storage containers or other similar items that are kept outside of a building.

**Bank and financial institution: A facility which has as its primary purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds, including drive-in facilities and automatic teller machines.**

**Barber[shop] and beauty shop: A facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed.**

*Basement or cellar:* A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above ground, which shall not be included as a story.

**Billiard hall: A space in which billiards are played.**

*Board of aldermen:* Governing body of the City of Branson.

~~[Boardinghouse: A building or place where, for compensation and by prearrangement for definite periods, table board is provided for five or more persons, but does not furnish meals to occasional or transient customers without previous arrangement.]~~

**Bowling alley: A building or room containing lanes for bowling.**

*Building:* A structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels, and when separated by firewalls, each portion of such building so separated shall be deemed to be a separate building.

*Building line:* The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of the proposed structure may be built, but shall not include retaining walls, the face of one-story unoccupied gable-roofed areas over porches, entrance or line appendages.

*Buildings, height of:* The vertical distance from the grade of the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

*Cabin or tourist court:* An area containing one or more structures designed or intended to be used as temporary living facilities of two or more families and intended primarily for automobile transients. (See *Motel*.)

*Campsite:* A portion of the rentable space of a campground having an area 580 square feet or more which is divided into campsites.

**Car wash:** A facility for washing or steam cleaning passenger automobiles (including self-service operation), operating either as a separate facility or when installed and operating in conjunction with another use, and which installation includes equipment customarily associated with a car wash and which is installed solely for the purpose of washing and cleaning automobiles.

**Church:** A place of worship and religious training that may include accessory housing facilities such as a rectory.

**Commercial recreation, indoor:** Any indoor establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Including, but not limited to, skating rinks, bowling alleys, and billiard halls.

**Commercial recreation, outdoor:** Any outdoor establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Including, but not limited to, water slides, water parks, miniature golf courses and go kart tracks.

*Commission:* The City of Branson Planning and Zoning Commission.

**Community center:** A meeting place used by members of a community for social, cultural or recreational purposes.

**Convenience food store:** A small food store whose primary function is the sale of convenience food items such as bread, milk, etc.

*District:* Any section of the city for which the regulations governing use of buildings and premises and the height and area of buildings are uniform.

**Drugstore or pharmacy: A facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, lotions, fountain service and similar items.**

**Dry cleaners: A facility that cleans clothing and other fabrics with chemical solvents that use little to no water.**

*Dwelling:* Any building or portion thereof, which is designed or used exclusively for residential purposes.

*Dwelling, multiple:* A building or portion of a building having suitable accommodations for three or more families, living independently of each other, who may or may not have joint uses of utilities, halls, yards, etc. This term includes premises occupied more or less permanently for residential purposes in which rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodginghouses, roominghouses, and all the dwellings similarly occupied. For purposes of this title [appendix], auto courts, hotels, motels, motor courts, motor hotels or tourist courts shall not be considered dwellings.

*Dwelling, one-family:* A detached building used exclusively for residential purposes having suitable accommodations for only one family which may include not to exceed four lodgers or boarders.

*Dwelling, two-family:* A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

**Exhibition center: A place for the public display of objects of interest; similar to a museum.**

*Facilities:* Any structure, service, improvement, campground, recreational vehicle park or real property, improved or unimproved, which is made available to the purchasers of a timeshare plan.

*Family:* An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

~~[Filling station: Any building or premises used solely or principally for storing, dispensing, sale or offering for sale at retail of any automotive fuels, lubricants and automotive accessories.]~~

**Feed store: A facility for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.**

**Florist: A facility for the retail sale of cut or uncut flowers, ornamental plants and accessory items. Enclosure of use required.**



*Frontage:* The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place.

**Go-kart track: A track used for racing go-karts.**

**Golf course: A large tract of landscaped area for playing golf.**

~~[Garage, private: An accessory structure designed or used for the storage of privately owned motor vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons capacity, and with no provision for repairing or equipping such vehicles.]~~

~~[Garage, public: A building or portion thereof designed and used exclusively for housing four or more motor vehicles.]~~

*Governing body:* The Board of Aldermen of the City of Branson.

**Government office: A place for the regular transaction of governmental business.**

**Grocery store: A marketplace or establishment where foods and associated items are kept and displayed for retail sales.**

*Group home:* Any home in which eight or fewer, unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

*Group housing project:* A building project, consisting of five or more buildings (whether separately located or separated only, but completely, by firewalls) to be constructed on a plot of ground of three acres or more in one ownership which is not subdivided into the customary streets or lots, or where the existing or contemplated streets or lot layouts make it impracticable to apply the regulations of this chapter to the individual building units.

*Home occupation:* A business carried on by the occupant of a dwelling as a secondary use, including professional or semi-professional offices, when conducted entirely within the dwelling in connection with which there is no public display of stock in trade upon the premises; no nonresident of the premises is employed, and not more than one-fourth of the floor area of one story of the main dwelling, or a detached home workshop of not more than 200 square feet in area is used for such home occupation; and provided that the residential character of the dwelling is not changed by said use, and that such occupation does not cause any noises or vibrations to be heard beyond the property line, or create any noxious fumes or odors, or cause parking or traffic congestion in the immediate neighborhood.

*Hotel:* A building which provides a common entrance, lobby, halls and stairways, and [in] which lodging is provided ~~[without meals]~~ to transient guests.

*Housekeeping unit:* A building or portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facility for cooking and serving meals and for sleeping quarters, and which may or may not include rooms or facilities.

**Laundromat:** A coin operation facility designed for use by the general population for the cleaning of domestic laundry items.

**Laundry pick-up station:** A facility for the collection and return of domestic laundry items. This use is to be totally enclosed.

**Library:** An establishment for the loan or display of books which is sponsored by a public or quasi-public agency and which institution is open and available to the general public.

*Lockout unit:* One or more rooms, within a dwelling unit which is under single, undivided ownership, which are connected to the primary dwelling area by a lockable door or doors so as to be capable of occupancy as separate quarters. Such unit may include sleeping and sanitary facilities and kitchenette facilities. A lockout unit will not be considered a separate dwelling unit unless it is conveyed into separate ownership from the rest of the dwelling unit, or it exceeds 195 square feet in area, in either of which cases it shall be considered a separate dwelling unit for purposes of calculation of dwelling unit densities. Dwelling units containing lockout units, which have been conveyed into separate ownership, shall be required to provide parking at the rate of one parking space for each separate dwelling unit containing one bedroom and 1½ parking spaces for each separate dwelling unit containing two or more bedrooms. In addition, a lockout unit, which is conveyed into separate ownership, shall be required to pay an additional sewer capacity fee as a separate dwelling unit.

*Lodging establishment:* Any building, group of buildings, structure, facility, place, or places of business where five or more guestrooms are provided, which is owned, maintained or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.

*Lot or plot:* A building site or parcel of land occupied or intended to be occupied by a structure, and including such open spaces as are required under this title and having its principal frontage upon a public street or officially approved place.

*Lot, corner:* A lot abutting upon two or more streets at their intersection.

*Lot, depth of:* The mean horizontal distance between the front and rear lot lines.

*Lot, frontage:* See Frontage.

*Lot, interior:* A lot other than a corner lot or triangular lot.

*Lot lines:* The lines bounding a lot as defined herein.

*Lot of record:* A lot or portions of one or more lots which are part of a subdivision, the map of which has been recorded in the office of the recorder of deeds of the county, or a lot described by metes and bounds, the description of which has been recorded in the office of the recorder of deeds of the county.

*Lot, through:* An interior lot having frontage on two streets.

*Lot, triangular:* A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than 45 degrees.

**Lumberyard: A facility which sells and stores cut lumber and other associated or accessory building materials.**

*Manufactured structure.* Includes any portable structure, vehicle, trailer, mobile home, modular structure, framework, container, platform or device, vehicular in design, which may be drawn, towed or transported from one location to another without basic change in structure or design, whether on wheels or not, and whether designed or used as living or sleeping quarters or not. The term manufactured structure shall include any structure above described used for a commercial or residential purpose.

**Massage establishment: Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any therapeutic massage activities.**

**Medical office or clinic: A facility for examining, consulting with and treating patients, including offices, laboratories and outpatient facilities but not including hospital beds for overnight care or treatment.**

**Miniature golf: A novelty golf game played with a putter on a miniature course usually having tunnels, bridges, sharp corners and obstacles.**

**Mobile home: A dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site.**

*Modular unit:* A factory-fabricated, transportable building designed to be used or to be incorporated with similar units at the building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated sub-elements such as panels, roof trusses, plumbing trees, or for instance. [sic]

*Motel:* A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities designed and used for the accommodation of nonpermanent residents. The term "motel" shall include motor court, auto court, cabin or tourist court but shall not include trailer camps or courts, camp sites or mobile parks as defined elsewhere in this chapter.

**Museum: An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.**

**Recording studio: A facility for sound recording.**

**Newspaper publishing:** A facility engaged in creating and printing newspapers.

**Newsstand:** A stall or other place at which newspapers and other periodicals and publications are sold.

*Nightly rental:* A building or portion thereof, in which sleeping accommodation is available for four or fewer guestrooms, for legal consideration, for a term less than 30 consecutive days.

*Nonconforming use:* A structure or premises legally occupied by a use that does not conform to the regulations of the district in which it is situated as established in this sector.

*Off-premises contact (OPC):* A small building, booth, kiosk, stand or similar structure where off-site timeshare plans, timeshare units or vacation clubs are marketed.

*Parking lot:* A parcel of land devoted to unenclosed parking space which may include partially enclosed structures.

*Parking space:* A suitably surfaced area on privately owned property, either within or outside of a building, and sufficient in size to store one standard automobile. The area shall not be less than 171 square feet, or an area nine by 19 feet in size.

*Patio home:* An attached one-family dwelling joined by common wall to another one-family dwelling, each being located on a separate lot of record.

**Pet groomer:** A facility for the grooming of pets where no outside runs are provided.

**Pet shop:** A facility for the display and sale of fish, birds, dogs, cats and other small animals as pets without involving commercial boarding or the treating of any animal, fish or bird.

*Place:* An open unoccupied space dedicated to purposes of access for abutting property.

*Planned development:* A planned development is land under unified control, planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all lands and buildings for principal and accessory structures and uses substantially related to the character of the district, according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites and the like but also site plans, floor plans, and elevations for all buildings intended to be located, constructed, used and related to each other (to the extent required for determinations to be made under these regulations) and detailed plans for other uses and improvements on the land as related to the buildings, and with a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated and maintained at general public expense.

*Porch:* A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosed features except roof supports, railing or screen wire.

**Portable structure: A prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.**

*Private restrictions affecting the subdivision:* means restrictions on private open space used to meet the dedication of land required under section 66-121(g) of the Branson Municipal Code, and restrictions on the common elements for condominium development defined in section 66-32 of the Branson Municipal Code. These types of "private restrictions" affect the "subdivision." In order to ensure that the City of Branson is protected from future maintenance of such private open space, a copy of the "private restrictions" is kept on file with the city for future reference. In cases of condominium units, common elements are defined in section 66-32 of the Branson Municipal Code, and includes common land (as in residential development), and "other parts of the condominium property necessary or convenient to its existence, maintenance and safety, or normally in common use and described or provided for in the declaration." The city needs these items for future reference for many reasons, including but not limited to, code enforcement of property maintenance, which requires the officer to know what violations might be common to all units and what violations may have individual responsibility. Copies of these type restrictions are required for future reference by the city.

**Professional and general offices: A place for the regular transaction of business, but not to include the occupation by retail sales, transfer of manufactured goods or the storage of commodities.**

**Public utility offices: An organization supplying a community with electricity, natural gas, water, or sewer and their accompanying services.**

**Rental storage operations: A facility for individuals to rent a space for the purpose of storing their goods or belongings.**

**Restaurant: An establishment where food and drinks are available to the general public primarily for consumption within a structure on the premises.**

*Satellite antenna or dish:* A receiving or broadcasting antenna for television, circular in form and more than three feet in diameter, which may or may not be mounted on wheels for transportation, for the purpose of this title shall be considered an accessory structure and must meet all regulations concerning such structures.

*Satellite earth station:* The term "satellite earth station," as used herein, shall not include any antenna which is mounted to a self-supporting, guyed or monopole antenna support structure.

**School, public, private or denominational: An educational institution operated under the auspices of the Branson School Board, or an educational institution operated by private or religious agencies.**

**Service station: A facility where gasoline, oil and other requirements for motor vehicles can be bought, and often where maintenance and minor repair work is also done.**

*Setback:* A distance between lot line and the building line.

*Special use:* The use of [~~a structure or plot of~~]land other than that permitted in a particular zoning district. Special use requires a permit from the planning and zoning commission as in section 405.050 [405.040].

*Story:* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

*Street:* A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may include space for sewers, public utilities, trees and sidewalks.

*Street line:* The dividing line between a lot, tract or parcel of land and a street.

*Structural alterations:* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, floor joists, roof joists or girders, or any substantial change in the roof or exterior walls.

*Structure:* A composition of two or more component parts or building materials joined together in some definite manner, so fabricated or assembled that each adds to the strength and rigidity of the other in final assembly. For the purposes of this chapter, it shall include buildings, towers, cages for transformer substations, pergolas, billboards, housecars, trash burners, BBQ pits, but not excluding other assemblies of similar type which are permanently located on a lot, not including poles, fences and such minor incidental improvements.

*Telecommunication facility:* Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications as authorized by the Federal Communications Commission (FCC) located or proposed to be located or installed upon a telecommunications tower. This term shall not include:

1. Any satellite earth station, which is utilized for the reception of broadcast television, video or radio signals and which is on the same premises as and ancillary to the primary use of a television or radio station.
2. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes.
3. Any satellite earth station antenna one meter or less in diameter, regardless of zoning classification.
4. Any telecommunications antenna located upon any city-owned structure with the approval of the city administrator.

*Telecommunication tower:* A self-supporting lattice, guyed or monopole support structure constructed from grade which supports telecommunication facilities. This term shall not include:

1. Amateur radio operators equipment, as licensed by the Federal Communications Commission.
2. Utility poles which are utilized for the support of electrical, telephone, cable television, or other similar cables and wires located in public rights-of-way or other public easements and are part of a system of such poles throughout the City of Branson.

*Terrace:* An artificial or natural embankment in the area between a building and a lot line.

**Theater: A building, room, or other setting for showing movies or for where plays, dramatic presentations or other live entertainment is performed.**

*Theme park:* A facility, exceeding ten acres in area, that may include amusement parlors, structures, buildings and premises, where there are various devices for entertainment, which may include rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales. This would also include other activities such as firework displays and light displays, provided all activities meet the requirements set forth in the Branson Municipal Code.

*Timeshare periods:* All periods of time when a purchaser of a timeshare plan is entitled to the possession and use of the accommodations or facilities, or both, of a timeshare plan regardless of whether such periods are designated as one or more specific days, weeks or months.

*Timeshare plan:* Any arrangement, plan, scheme or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right-to-use agreement or any other means, whereby a purchaser, in exchange for a consideration, received one or more timeshare periods, or any type of interval or joint ownership in, or a right-to-use, any accommodation or facility for a period of time which is less than a full continuous and uninterrupted year during any given year, and which extends for a period of time more than three years, as to each individual timeshare development subject to purchase.

*Timeshare unit:* An accommodation or facility of a timeshare plan which is divided into timeshare periods, or is otherwise subject to interval or joint ownership or use by the purchaser of the timeshare plans.

*Trailer camp:* Any lot, site, place, area or tract of land upon which are located two or more trailers which are under the jurisdiction or management of one person, or which use the same sanitary facilities, utilities and/or services and which are divided into camp sites.

*Vacation club:* Joint ownership or rental of vacation lodging by several persons, with each occupying the premises in turn for short periods.

**Wares: An article of merchandise that is being presented outside of the business selling it.**

**Wholesale operations: A facility for commodities stored or wholesaled.**

*Yard:* An open and unoccupied space on a building site, and except as otherwise provided in this title, open and unobstructed from the ground to the sky.

*Yard, front:* That portion of the yard extending across the front of a lot between the street line and the front building line, not including steps, terraces, unenclosed balconies, and unenclosed or screened porches.

*Yard, rear:* That portion of the yard, on the same lot with a building, between the rear building line and the rear lot line, for the full width of the lot (in those locations where an alley is platted in the rear of the lots, half the width of the platted alley may be included in the rear yard) not including steps, unenclosed balconies and unenclosed porches.

*Yard, side:* That portion of the yard along each side of a building between the building line and the side line of the lot extending from the front yard to the rear yard, not including steps, balconies or porches.

#### Section 405.030. Nonconforming structures and uses.

A. *Nonconforming uses.* Where at the time of passage of this title [appendix] lawful use of land exists which would not be permitted by the regulations imposed by this title [appendix] or amendments to this title [appendix], the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title [appendix].
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this title [appendix].
3. If any such nonconforming use of land ceases for any reason for a period of more than ~~[six-]~~**twelve** months, any subsequent use of such land shall conform to the regulations specified by this title [appendix] for the district in which such land is located.
4. No additional structure not conforming to the requirements of this title [appendix] shall be erected in connection with such nonconforming use of land.

E. ~~[Conditional-]~~**Special** *use provisions not nonconforming uses.* Any use which is permitted as a ~~[conditional-]~~**special** use in a district under the terms of this title [appendix] (other than a change through board of adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.



Section 405.040. Special uses.

A. This title [appendix] shall not apply to ~~[existing structures nor to]~~the existing use of any building which shall have complied with all the laws and ordinances in effect prior to the effective date of this title [appendix]. All zoning district regulations shall apply to any enlarging of a building for a nonconforming use in the district in which it is located and to any alteration of a building which is intended to change its use to a less restricted classification.

B. A special use permit shall be required from the planning and zoning commission for any use listed as a special use in any zoning classification and for any use not listed as a permitted use in any zoning classification. A special use permit review is intended to allow the establishment of uses that have a special impact, uniqueness, or effect on the neighborhood surrounding the subject site. In considering a special use, the planning and zoning commission shall consider the location and design of the proposed use, configuration of improvements, potential impacts on the surrounding neighborhood, and that development in each zoning district protects the integrity of that district and, following a hearing, the commission shall record the decision in writing and shall recite the findings upon which the decision is based. The commission may approve and/or modify a special use permit application in whole or in part, with conditions, only if all the following findings are made:

1. The proposed use is conditionally permitted within, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this title [appendix];
2. The proposed use is consistent with the land use plan and comprehensive master plan;
3. There will be no significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored;
4. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience or welfare of the city;
5. The subject site is physically suitable for the type and density/intensity of use being proposed; and
6. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety.

**C. All special use permits shall be approved for a specific location, and shall be transferrable to a new property owner of that location for the same use barring any substantial changes or modifications of the operation. Written notification of any transfer shall be provided to the Planning & Zoning Department. Any special use permit shall become null and void upon the approval of a different special use at that location. Special use permits shall not be transferred to any other location by the applicant or successor property owners.**

**D. All special use permits shall be valid for an unlimited period of time unless a lesser period of time shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the special use permit be reviewed by the Commission, which may extend it for an unlimited period or for a specified additional period of time.**

Section 410.040. C commercial district regulations.

A. In the C commercial district, all buildings and premises, except as otherwise provided for in this chapter, may be used for any use permitted in the dwelling districts, and all structures enlarged, converted, or altered shall conform to the following area, height, and use regulations.

B. *Uses permitted.*

~~[24]~~**1.** Any use permitted in the R-3 multiple-family residential district.

~~[4]~~**2.** Antique shop.

~~[2. Appliance store.]~~

**3. Art gallery.**

~~[3. Arts and crafts.]~~

4. Bank and financial institution.

5. Barber[shop] and beauty shop.

6. Churches.

~~[7. Clothing and shoe store.]~~

**7. Commercial recreation, indoor.**

**8. Community center.**

**9. Convenience food store.**

~~[8]~~**10.** Drugstore **or pharmacy.**

**11. Dry cleaners.**

~~[9]~~**12.** Florist.

~~[10. Furniture store.]~~

~~[11]~~**13.** General merchandise[, ~~department store and variety store~~] or retail establishment.

~~[12. Gifts and souvenirs.]~~

~~[13. Hardware store.]~~

**14. Government office.**

15. Grocery store.

[14]~~15~~16. Hotel and motel.

**17. Laundromat.**

**18. Laundry pick-up station.**

**19. Library.**

[26]~~20~~20. Massage establishment s inspected and approved by the [city-]**county** health department and operated by massage therapists licensed by the state.

**21. Medical office or clinic.**

[16. Music store and studio.]

[17]~~22~~22. Newsstand.

[27]~~23~~23. Off-premises contacts (OPC), located inside a building.

**24. Pet grooming.**

**25. Pet shop.**

[18]~~26~~26. Professional and general offices.

[19]~~27~~27. Public utility offices.

**28. Recording studio.**

[20]~~29~~29. Restaurant.

[21. Sporting goods store.]

[22. Self-service laundry.]

[23. Planned development.]

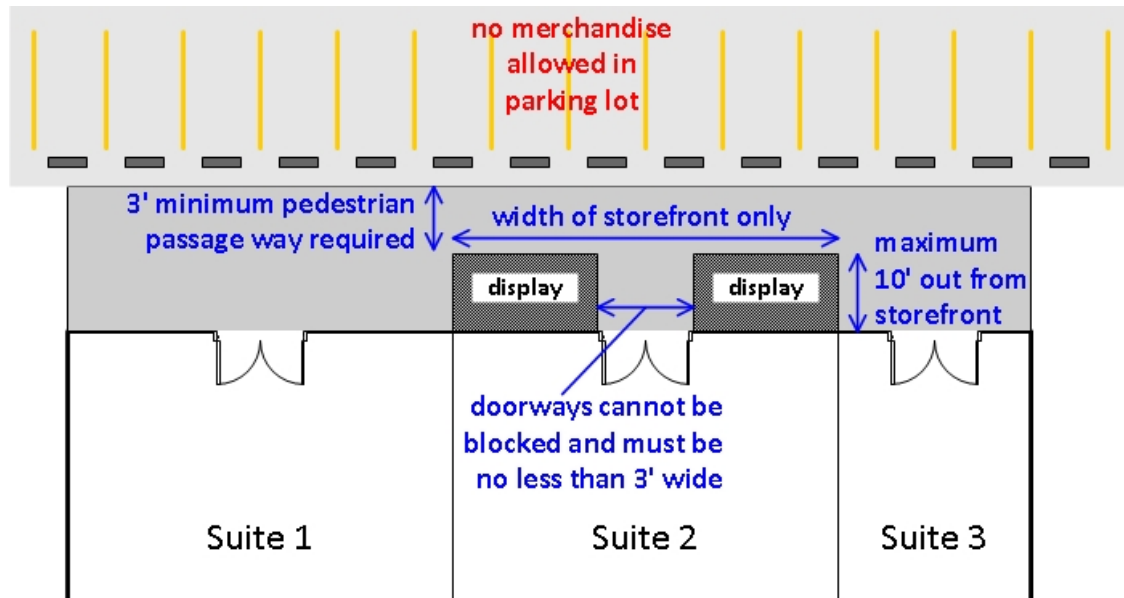
[25]~~30~~30. Telecommunications antenna on any antenna support structure, other than a telecommunications tower, which has been approved in accordance with regulations approved by the city administrator.

**31. Displaying of wares shall only be permitted providing the following conditions, and Figure 1 are met:**

- a. **Shall be located within the property limits of the business from which it is being sold; and,**
- b. **Shall not extend beyond the front of that business's building frontage; and,**
- c. **Any associated signage shall not include advertising content and shall be limited to the ware's price and name; and,**
- d. **Shall not extend more than ten feet (10') outward from the front of the business's building; and,**
- e. **Shall not be placed within, or interfere with any parking area or space(s); and,**
- f. **Shall not block any sight triangle or the view of on-coming traffic; and,**
- g. **Shall not block any pedestrian way and a minimum clearance width of three feet (3') shall be provided; and,**
- h. **Shall not be hung resulting in a clearance less than eight feet (8') above a pedestrian way; and,**

- i. Any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means.

**Figure 1**



*C. Special uses permitted.*

1. Accessory structures used for commercial purposes.

2. Amusement parlor, amusement park or theme park.

[10]3. ~~[Pet shop and a]~~Animal hospital.

**4. Animal kennel.**

[3]5. Auto sales, **rental** and **repair**~~[-service]~~.

**6. Car wash.**

[4]7. Commercial recreation, **outdoor**.

[5]8. Feed store.

[6. ~~Government office.~~]

[7. ~~Laundry and dry cleaners.~~]

[8]9. Lumberyard.

**10. Museum or exhibition center.**

[9]11. Newspaper publishing.

[11]12. Residential or outpatient facilities for the treatment of alcohol or drug abuse.

[12]13. Service station~~[-and auto repair]~~.

[13]14. Theater.

[14]15. Timeshare unit, meeting the density requirements as outlined in section 410.070(D)(2).

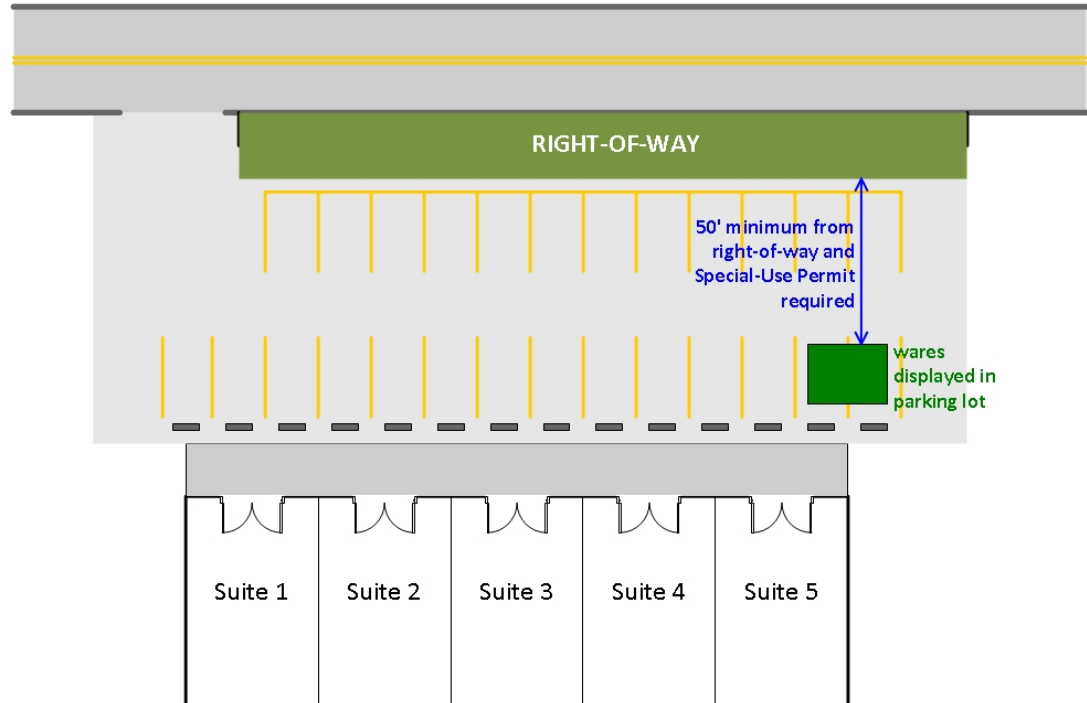
[15]**16.** Wholesale~~[-house, sales office]~~ and **rental** storage operations.

[16]**17.** Telecommunication towers shall only be allowed in a C commercial district. Such use shall only be by special use permit provided the following conditions are met:

**18. Displaying of wares shall only be permitted within the front parking area by special use permit provided the following conditions, and Figure 2 are met:**

- a. **Shall be located within the property limits of the business from which it is being sold; and,**
- b. **Shall be located within an area no closer than fifty feet (50') to the nearest property boundary; and,**
- c. **Shall not block any sight triangle or the view of on-coming traffic; and,**
- d. **Any associated signage shall not include advertising content and shall be limited to the ware's price and name; and,**
- e. **Shall not block any pedestrian way and a minimum clearance width of three feet (3') shall be provided; and,**
- f. **Shall not be hung resulting in a clearance less than eight feet (8') above a pedestrian way; and,**
- g. **Any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means.**

**Figure 2**



NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS ~~[BRACKETE, STRICKEN]~~ HAS BEEN REMOVED.

**Branson Planning and Zoning Commission  
Staff Report and Recommendation  
Project No. 11-00500002**

**LOCATION:** BRANSON HILLS

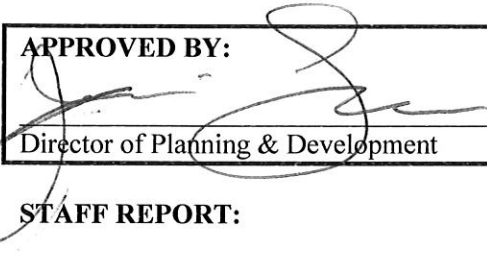
**OWNER/APPLICANT:** RICK HUFFMAN

**ITEM/SUBJECT:** REQUEST FOR A PLANNED DEVELOPMENT AMENDMENT TO THE BRANSON HILLS LAND USE REGULATIONS, PD 2005-007, TO ALLOW ADDITIONAL IRRIGATION WELLS.

**DATE:** SEPTEMBER 6, 2011

**INITIATING DEPARTMENT:** PLANNING & DEVELOPMENT

**APPROVED BY:**

  
Director of Planning & Development

8/29/11  
Date

**STAFF REPORT:**

A Planned Development Amendment Application has been received from Rick Huffman for the Branson Hills Land Use Regulations, PD 2005-007, to allow additional irrigation wells. This development is located west of Highway 65, east of Highway 248 and south of Buchanan Road. It contains approximately 1,100 acres more or less and is currently zoned PD Planned Development.

When approved, Section 3.05 WATER WELL ENTITLEMENT of the Branson Hills Planned Development stated that the developer was allowed to construct two (2) wells solely for irrigation purposes. That initial request was to provide assistance with the water needs specifically of the proposed golf course, Payne Stewart Golf Club. With this request, the applicant is proposing to amend Section 3.05 of the PD making it allowable to construct two (2) additional irrigation wells for a total of four (4). One of those additional wells has been located within the recently construction Greens project south of the Branson Rec-Plex. The other well has been located at the corner of Pinehurst Drive and Mulligan Court. Both wells will provide a more affordable water source for maintaining the area's landscaping.

Currently, Section 90-51 of the Branson Municipal Code states that the drilling and/or use of individual water wells within the city limits is prohibited.

**STAFF RECOMMENDATION:**

Staff recommends approval of Resolution 11-00500002.

**COMMENTS:**

No comments were submitted by any of the departments relating to the applicant's request.

<b>ATTACHED INFORMATION:</b>	1) Planned Development Amendment Application
	2) Vicinity Maps
	3) Well Location Map
	4) Resolution No. 11-00500002



**CITY OF BRANSON**  
**PLANNING & DEVELOPMENT**  
110 W MADDUX ST, SUITE 215  
PHONE: (417) 337-8535  
FAX: (417) 334-2391

FOR OFFICE USE ONLY: Project No. <u>11-512</u>	
FEE & CODE: <u>\$425.00</u>	<u>PNDA</u>
DATE & INITIALS: <u>7/18 TN</u>	
PAYMENT TYPE: <input type="checkbox"/> CASH Receipt # _____	
<input checked="" type="checkbox"/> CHECK # <u>1251</u>	
<input type="checkbox"/> CREDIT CARD REF # _____	
PUBLIC NOTICE DATE: _____	
PUBLIC HEARING DATE: <u>9/16</u> @ 7:30 PM	

## PLANNED DEVELOPMENT AMENDMENT APPLICATION

Applicant Name (Please Print): Richard F. Huffman

Applicant Address: 153 S. Payne Stewart Dr. Branson, MO. 65616

Phone Number: 417-332-3443 Fax Number: 417-332-3447 Email: RHUFFMAN@HCW.US

Applicant requests that PD - 2005-2071001 <sup>(TN)</sup> be amended for property described herein and located at:

Street Address: BRANSON HILLS

### REQUIRED INFORMATION TO BE INCLUDED BEFORE APPLICATION WILL BE ACCEPTED

- ☒ Please attach a recent copy of the WARRANTY DEED/DEED OF TRUST
- ☒ Please attach a copy of the PD Plan and proposed amendments to the Land Use Regulations.

Purpose or reason for amendment: SEE EXHIBIT "A"

Current use of property: MIXED USE PLANNED DEVELOPMENT

Restrictions: (Note: zoning WILL NOT supersede deed restriction(s), if any.)

- ☒ No deed restrictions
- ☐ A list of restrictions have been attached.

### PROPERTY OWNER/AGENT INFORMATION

Owner's Name (Please Print): BRANSON HILLS DEVELOPMENT COMPANY, L.L.C.

Owner's Address: 153 S. Payne Stewart Dr. Branson, MO. 65616

Phone Number: 417-332-3443 Fax Number: 417-332-3447 Email: RHUFFMAN@HCW.US

Owner's Signature: [Signature]

Agent's Name (Please Print): \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

Agent's Signature: [Signature]

**ACKNOWLEDGMENT OF PROPERTY OWNER**

STATE OF Missouri )  
 ) SS.  
COUNTY OF Laney )

On this 14<sup>th</sup> day of July, 20 11, before me personally appeared Richard E. Huffman, to me known to be the person described in and who executed the foregoing application, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Bronson, Missouri the day and year first above written.

/s/  \_\_\_\_\_  
Notary Public

My term expires 3/30/13





# VICINITY MAP

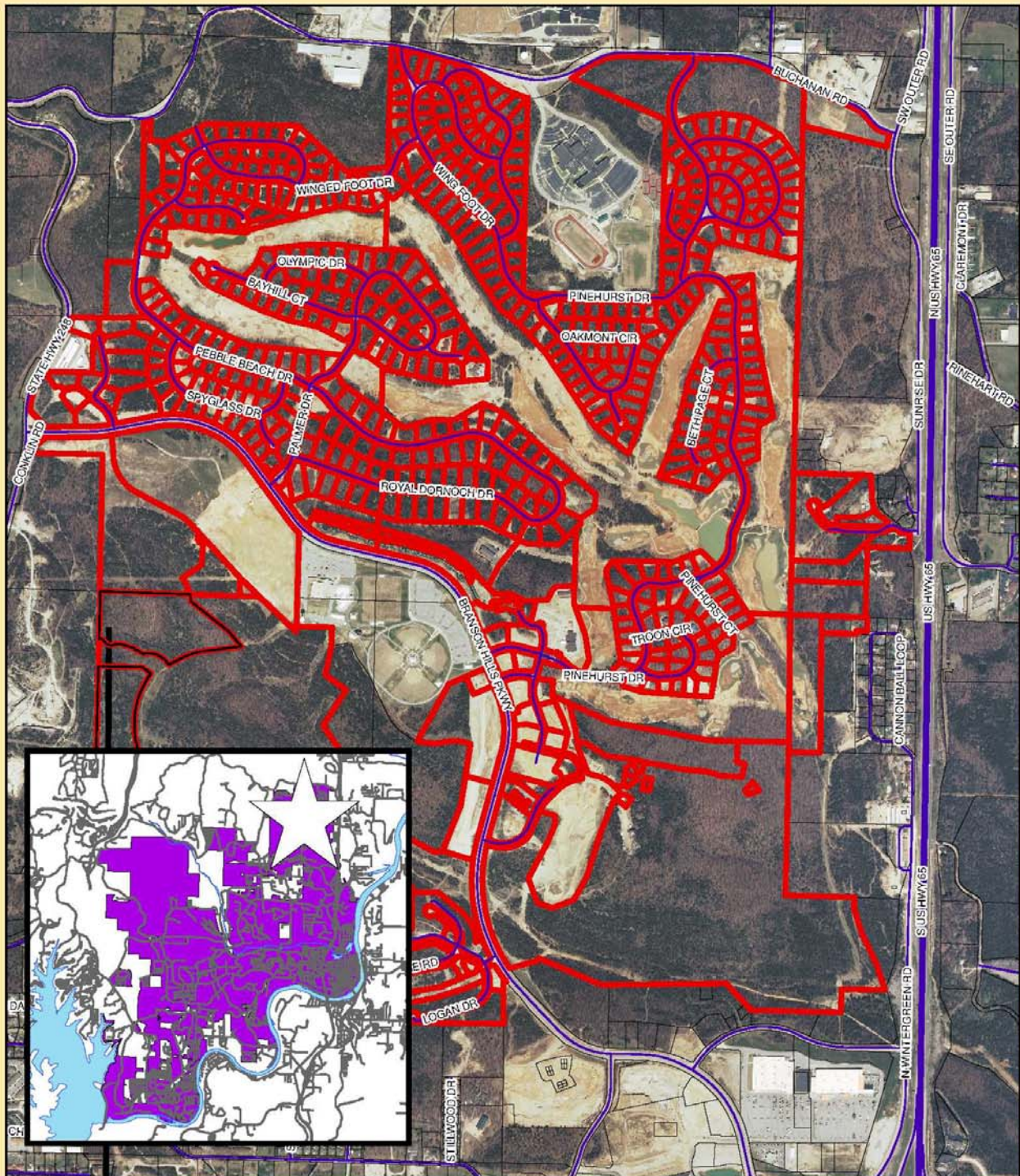
## Branson Hills Planned Development

### City of Branson, Missouri

City of Branson, Taney County, Missouri  
Planning and Development Dept.  
August 2011



0 1000 2000 3000 4000 5000 6000 Feet





# VICINITY MAP

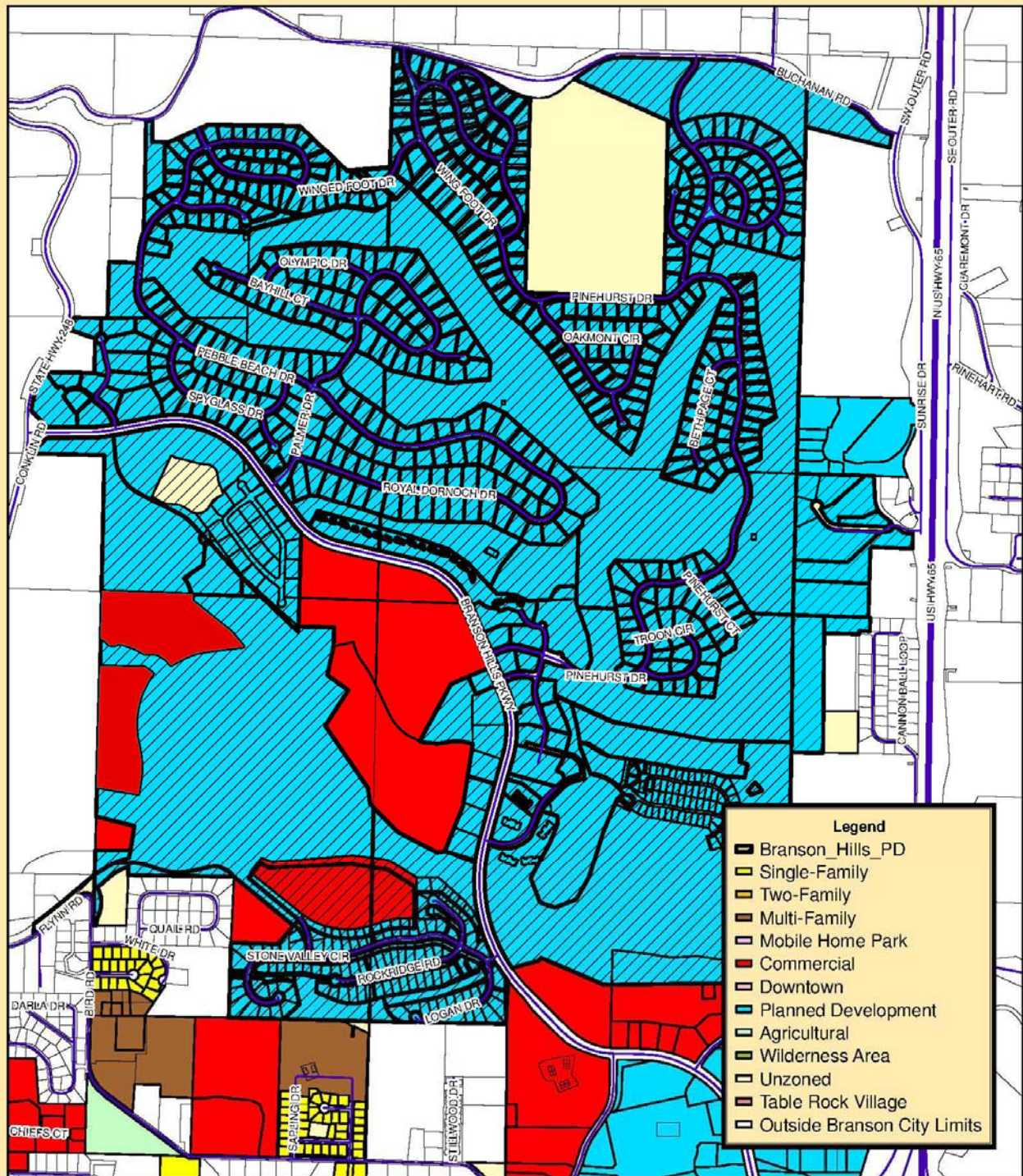
## Branson Hills Planned Development

### City of Branson, Missouri

City of Branson, Taney County, Missouri  
Planning and Development Dept.  
August 2011



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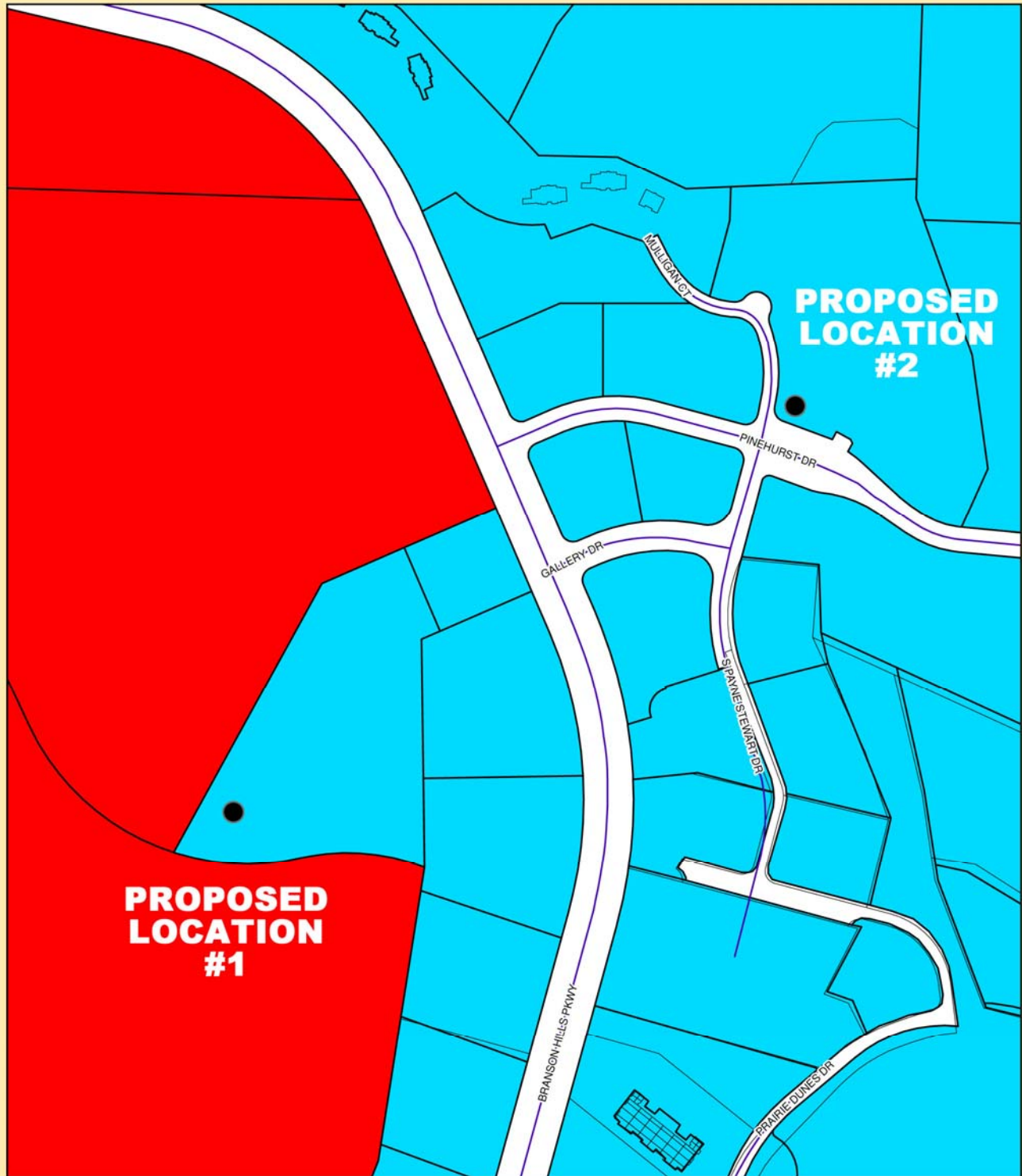


**VICINITY MAP**  
**New Irrigation Wells**  
**City of Branson, Missouri**

City of Branson, Taney County, Missouri  
Planning and Development Dept.  
August 2011



0 20 40 80 120 160 Feet





**PLANNING AND ZONING COMMISSION**

**RESOLUTION NO.11-5.2 (11-00500002)**

**A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO THE BRANSON HILLS LAND USE REGULATIONS, PD 2005-007, TO ALLOW ADDITIONAL IRRIGATION WELLS.**

**WHEREAS**, an application has been submitted to the City of Branson by Rick Huffman for approval of a Planned Development Amendment to the Branson Hills Land Use Regulations, PD 2005-007, to allow additional irrigation wells for property legally described as follows:

See Exhibit 'A'

**WHEREAS**, the Zoning Regulations for the City of Branson, Missouri require a Public Hearing before the Planning and Zoning Commission for the approval of a Planned Development Amendment; and,

**WHEREAS**, a Public Hearing was held before the Branson Planning and Zoning Commission on September 6, 2011 at 7:30 p.m. in the City Council Chambers located at 110 W. Maddux St., Branson, Missouri; and,

**WHEREAS**, all required documentation and payment of the required filing fee have been received by the City of Branson.

**BE IT THEREFORE RESOLVED**, that the Planning and Zoning Commission for the City of Branson hereby recommends approval of a Planned Development Amendment to the Branson Hills Land Use Regulations, PD 2005-007, to allow additional irrigation wells as described in 'Exhibit 1' attached hereto and incorporated by reference herein.

**DONE THIS 6<sup>TH</sup> DAY OF SEPTEMBER, 2011, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.**

---

Clark Harris - Chairman

ATTEST:

---

Jim Lawson Jr. - Director of Planning and Development

Exhibit  
'1'



## LAND USE REGULATIONS

Planned Development No PD 2005-007

(Base PD Includes Revisions Approved through 26 Jan 2010)

21 September 2010

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## **Revised Land Use Regulations Branson Hills Planned Development**

These LAND USE REGULATIONS for Branson Hills are hereby promulgated by BRANSON HILLS DEVELOPMENT COMPANY, L.L.C., a Missouri limited liability company (the "Developer") as approved by the City of Branson, of the State of Missouri, in accordance with §410.070 of the Branson City Code, as of the day and year set forth, and the ordinance (the "Ordinance") amending the zoning ordinance by these Land Use Regulations for the Branson Hills Planned Development District (the "PD").

### **1.0 REGULATIONS GENERALLY APPLICABLE TO ALL PROPERTY WITHIN THE BRANSON HILLS PLANNED DEVELOPMENT**

**1.01 DEVELOPMENT PLAN.** Branson Hills shall be developed on that certain real property described on Exhibit "A" attached hereto (the "Property"). The Property contains approximately 1,100 acres. It is situated between State Highway 65 on the east, Buchanan Road on the north, Branson Hills Parkway on the south and Highway 248 on the west. The majority of the Property is currently owned by the Developer, however Parcel 3-1 is now owned by VPG, LLC. The amendment for Parcel 3-1 is to being filed on behalf of VPG, LLC to provide definitive land use regulations to this PD that pertain only to Parcel 3-1. All existing land use regulations contained within this PD shall apply to Parcel 3-1 unless the changes to these regulations regarding that parcel are more defined or are more specific. The development on the majority of the Property will be called "Branson Hills" whereas the development on Parcel 3-1 shall be referred to as St. Andrews.

**1.02 PLANNED DEVELOPMENT "PD" DISTRICT.** The Planned Development District created by the Ordinance (the "PD District") replaces the current commercial zoning as it exists on the Property.

**1.03 MASTER PLAN.** The Master Plan attached hereto as Exhibit "B" (the "Master Plan") shall be considered a permanent part of these Land Use Regulations. The Master Plan reflects the primary view for the entire Branson Hills, illustrating an 18-hole golf course contained within a mixed-use development. Exhibit "C" attached hereto shows a topographical contour map of the Property (the "Topo Map").

The Developer intends to provide a pleasant environment for mixed-use residential, golf, retail, recreation, and other related activities. The Developer desires to manage and prevent congestion on streets, promote the health and general welfare of the community, provide adequate air, light, and green space, prevent overcrowding of the land, avoid undue concentration of the population and preserve the existing topographical beauty of the area. The Developer further desires to enhance the character of Branson Hills by the provision and location of transportation, water, sewer, other utility systems as well as other public uses such as schools and parks.

The Master Plan and these Land Use Regulations have been prepared to permit the construction of the development as it is currently envisioned in the Master Plan, as well as to provide for future modifications without significant limitations. The goal of these Land Use Regulations is to establish regulations that will provide quality development standards without unreasonable limits on development flexibility and marketability.

**1.04 MINOR MODIFICATIONS TO THE MASTER PLAN.** Approval of the Branson Planning and Zoning Commission and the Board of Aldermen for the City of Branson shall be required for any modification to the Master Plan involving a change in 1) additions to the land uses identified in Section 2 on a particular parcel, or 2) a change in the intensity of use affecting more than a 15% increase in the total number of lots.

**1.05 PHASED DEVELOPMENT AND MULTIPLE PROJECTS.** The Developer shall act as the "Master Developer" of Branson Hills and anticipates that development will occur in multiple projects



by a number of different developers (each, a "Project"). The Developer also anticipates that each Project may be developed over time in various phases (each, a "Phase"). Each Project and Phase may encompass one or more lots, parcels or tracts within Branson Hills or any portion thereof.

**1.06 DEFINITIONS AND INCORPORATION.** These Land Use Regulations hereby incorporate all of the defined terms set forth in §410.070 et. Seq. Branson City Code (the "Code"). Terms herein that are defined in the Code shall have the meaning ascribed to those terms in the Code, unless the context herein otherwise dictates.

Prior to the development of Branson Hills, the owners of the Property negotiated, executed and entered into that certain Branson Hills Annexation Agreement dated August 11, 2003 with the City of Branson (the "Annexation Agreement"). These Land Use Regulations hereby incorporate all of the terms and conditions of the Annexation Agreement. Capitalized terms used herein shall have the meanings ascribed to those terms in the Annexation Agreement unless the context herein otherwise dictates. In the event of a conflict between the Annexation Agreement and these Land Use Regulations, the terms and conditions of the Annexation Agreement shall govern.

Zero Lot Line Homes, single-family dwelling units on smaller lots whereby one side of the home may be placed on the property line thereby allowing for useable side yard space for patio or terrace development. Another form of Zero Lot Line Homes is offered whereby a two family home is constructed with a common lot line between each dwelling unit thereby allowing for each half of the twin home to be sold as a separate unit on a platted lot.

**1.07 ZONING.** This PD District replaces the current zoning on the Property. The zoning designation for the Property shall be "PD"-Planned Development. The development of the Property shall be conducted under the terms and guidelines included in these Land Use Regulations and the Master Declaration. For specific items not covered in these Land Use Regulations, the Zoning Regulations in the Code shall apply; PROVIDED, HOWEVER, that any land use must also comply with the approved uses as set forth herein.

The general listing of land use categories referred to in these Land Use Regulations fall within the general zoning classification "C" Commercial District. The General Land Use Map attached hereto as Exhibit "D" (the "General Land Use Map"), illustrates the approximate limitations of each land use and parcel as shown on the Master Plan. Though each land use area is zoned C-Commercial, for the purposes of these Land Use Regulations, the General Land Use Map will assist in defining the authorized uses as they are envisioned by the Developer. Specific uses permitted within Branson Hills and those, which are included in the C-Commercial category will be listed under Section 2.0. The flexibility afforded by the "PD" District zoning designation will help the Developer ensure the accomplishment of the Development Plan.

**1.08 DEVELOPMENT SUBMITTALS.** All Development Plans for Projects within Branson Hills shall require approval by the Planning and Development Department prior to construction. Each Phase and Project within Branson Hills, regardless of the number of lots, parcels or tracts contained therein, shall be developed in accordance with these Land Use Regulations.

The Master Plan shall serve as an approved Development Plan allowing construction to commence through the normal permitting process. If the Master Plan, or any portion thereof is materially altered prior to development (so that approval of the Branson Planning and Zoning Commission and the Board of Aldermen for the City of Branson, Missouri is required, a new Development Plan or an amendment to the Master Plan shall be presented), then a new Development Plan (or an amendment to the Master Plan) shall be presented to the Planning and Zoning Commission for review and approval and shall be attached hereto. Specific details of the Master Plan may change over time in the course of the development of the Property. Provided that the intensity of use or density does not exceed a 15% increase, then any revision of the Master Plan can be approved by the Director of the Planning Department without the review and approval of the Planning and Zoning Commission or the Board of Aldermen, and construction can commence through the normal permitting process.

**1.09 NUMBER OF DEVELOPMENT TRACTS.** Each of the development parcels is identified on the Master Plan. It is anticipated that though the parcels, while defined separately, will not appear as separate, disconnected Projects or Phases, but rather as integrated components of the Branson Hills planned community. (See exhibit "F" for 3-1 Sub-Parcel Map)

**1.10 STREET CLASSIFICATIONS.** Both public streets and private drives shall be allowed within Branson Hills. The specific design standards for each classification shall be as follows: (See exhibit "G" for 3-1 Street Standards Map)

**PUBLIC STREET STANDARDS.** There may be six types of public streets developed within Branson Hills. They are: arterial commercial parkways, commercial streets, commercial collector streets, local commercial streets, residential collector streets and local residential streets. The general standards for these streets are as follows:

1. Modifications shall be completed to Ha Ha Road to upgrade the design standards to make the Ha Ha road twenty-four feet (24') in width but still remain as a Private Drive. The Ha Ha road is to remain private to avoid the need to construct a cul-de-sac as the roadway enters Parcel 3-1, St. Andrews. Additionally, a separate path shall be installed for golf cart circulation. All modifications must be completed prior to receiving a certificate of occupancy on any structure within the properties, labeled Parcel 3-1 on the General Land use Map, attached hereto as **Exhibit D**.

**COMMERCIAL PARKWAYS.** It is anticipated that the only Commercial Parkway to be constructed within the Property is the currently existing Branson Hills Parkway, as depicted and labeled on the Master Plan.

**COMMERCIAL STREETS.** This classification of street may be used within the Town District (identified on the Master Plan) that are not Commercial Collectors. Within a sixty-foot (60') Right of Way ("ROW"), the pavement cross section shall be constructed to provide for thirty-six feet (36') from back of curb to back of curb for a two-lane roadway. Parking will be permitted on both sides of the street depending on the particular Development Plan; parking spaces may be constructed at parallel, 45°, or 90° angles from the curb line. A four-foot (4') sidewalk may be constructed on either side of the street within the ROW. No grass area between the curb and the sidewalk will be required. The final design of these street improvements shall be determined and illustrated at the time of final platting. Street trees may be placed outside of the curb and within the ROW. This classification of street shall be constructed at a fifteen percent (15%) maximum grade.

**COMMERCIAL COLLECTOR STREETS.** This classification of street may be used in those areas within Branson Hills connecting Commercial Streets to Commercial Parkways, as depicted on the Master Plan. Within a fifty foot (50') ROW, the pavement cross section shall be constructed to provide for a minimum twenty eight foot (28') from back of curb to back of curb for a two-lane roadway. Parking may be permitted on one side of these streets. A four-foot (4') sidewalk may be constructed on either side of the street within the ROW. No grass area between the curb and the sidewalk will be required. The final design of these streets shall be determined and illustrated at the time of final platting. Street trees may be required within the ROW on both sides of the street. This classification of street may be constructed at a fifteen percent (15%) maximum grade.

**LOCAL COMMERCIAL STREETS.** This classification of street may be used within parcels developed as single-family residential condominium or timeshare units, and shall be used to provide direct access to those condominium and timeshare units from other Commercial Streets. Within a fifty-foot (50') ROW, the pavement cross section shall be constructed to provide for a minimum of twenty-eight feet (28') from back of curb to back of curb for a two lane roadway. Parking may be allowed on one

side of the street. A four-foot (4') sidewalk may be constructed on either or both sides of these streets within the ROW. The final design of these streets shall be determined and illustrated at the time of final platting. This classification of street may be constructed at a fifteen percent (15%) maximum grade.

**RESIDENTIAL COLLECTOR STREETS.** This classification of street may be used within Branson Hills to connect Local Residential Streets to Commercial Streets. Within a sixty foot (60') ROW, the pavement cross section shall be constructed to provide for a minimum of twenty eight feet (28') from back of curb to back of curb for a two lane roadway. No parking will be permitted on these Residential Collector Streets. A four-foot (4') sidewalk may be constructed on either and/or both sides of the street within the ROW, leaving a grass area. The final design of these street improvements shall be determined and illustrated at the time of final platting. Street trees may be required within the ROW on both sides of the street. This classification of street may be constructed at a 15% maximum grade.

**LOCAL RESIDENTIAL STREET.** This classification of street may only be used within the areas of Branson Hills where residential development may occur. They shall be designed to provide direct access to residential units developed within the Property. Within a fifty-foot (50') ROW, the pavement cross section shall be constructed to provide for a minimum of twenty-eight feet (28') from back of curb to back of curb for a two lane roadway. Parking may be allowed on one side of Local Residential Streets. A four-foot (4') sidewalk may be constructed on either and/or both sides of Local Residential Streets within the ROW. The final design of these street improvements shall be determined and illustrated at the time of final platting. Street trees may be allowed. This classification of street may be constructed at a 15% maximum grade.

**PRIVATE DRIVE STANDARDS.** The private drives developed within Branson Hills shall meet the following standards and shall be of three types: 1) a city standard: those with curb and gutter; 2) a rural standard: those without curb and gutter, but constructed with a borrow ditch on both sides of the street; and 3) a one-way street. All private drives will remain private and the City of Branson will not be responsible for any maintenance, cleaning, repair or other improvements.

1. The "city standard" private drives may be used within areas of Branson Hills designated for condominium use shall be constructed with a minimum width of twenty feet (20') from back of curb to back of curb. Parking is allowed, but shall only be provided in defined parking areas consisting of multiple parking spaces constructed at a forty-five degree (45°) or ninety-degree (90°) angle from the curb line. Four-foot (4') sidewalks may be constructed on both sides of the drive at the ROW line. Trees may be provided along both sides of the drive within the grass strip where possible.

2. The "rural standard" private drives shall be constructed with a minimum width of twenty feet (20') without a curb. A borrow ditch shall be constructed on either side of the drive unless it is determined by the project engineer that sheet drainage from the pavement would better serve the project and minimize future erosion. Parking is allowed, but shall only be provided in defined parking areas consisting of multiple parking spaces constructed at a forty-five degree (45°) or ninety-degree (90°) angle from the pavement line. Sidewalks will not be allowed along this type of roadway; however, trees may be provided along both sides of the drive where possible.

3. The "one-way standard" private drives shall be permitted in certain areas of the Property, provided that the layout and grades will appropriately

accommodate emergency vehicles. When a one-way private drive is used, the pavement width shall be constructed to a minimum of fourteen feet (14'). Parking is allowed, but only in defined parking areas consisting of multiple parking spaces constructed at a forty-five or sixty degree (45° or 60°) angle from the pavement line.

4. An emergency access roadway will be constructed to connect with the private drive access to the adjacent neighbor. It will be gated and used only for service vehicles related to property maintenance and emergency vehicles.

5. A temporary construction access road will be permitted during the construction of the property gaining access from the Highway 65 frontage road utilizing the platted county roadway adjacent to the property. This will be provided to prevent construction traffic from using the Branson Hills Golf course roadway system.

**1.11 SETBACKS.** In addition to the following minimum setbacks, additional requirements may be imposed by the Master Declaration on setbacks of permanent structures. Front yard setbacks for all permanent structures shall be measured from the ROW of any adjacent public streets and from the curb or pavement line of any adjacent private drives. (See exhibit "H" for 3-1 Setback Map)

Commercial uses along any Commercial Parkway	25 feet
Highway 65 and 248 frontage	25 feet, except as noted on the setback map exhibit
Commercial uses facing other Public Streets	25 feet
Residential uses if constructed on the Commercial Parkway	25 feet
Residential uses on Local public Residential Streets (measured from the ROW line)	15-25 feet
<i>*See Note below.</i>	
Residential lots on private drives (measured from curb line, or pavement edge) (does not include Multi-Family uses)	20-30 feet
Multifamily, including timeshare uses on private drives	10 feet from curb line or 20 feet from edge of pavement if curbs do not exist.
Commercial buildings if separated	0 feet
Space between Residential buildings	10 feet measured at overhang
Setback from Development boundaries, except as noted	50 feet 25 feet for Parcel 3-1 except that it can be reduced to 0 feet where 3-1 abuts Branson Hills proper.
Residential Rear yard setback	5-25 feet
Residential Side yard setback	0-6 feet from overhang

In no case can two (2) single family residential structures be built on adjoining lots both having a zero side yard setback.

Note: Variable front yard setbacks will be allowed and encouraged to provide for a variety in building placements and a reduction in monotony of the streetscape. For streets with curb and gutter, setbacks can be varied from 15 to 25 feet, provided that the setback of the garage portion of any stand-alone single-family residence, patio home or town home is not reduced below 20 feet. For streets or drives with no curb and gutter, the setbacks may vary from 25 to 35 feet.

**1.12 LOT SIZES.** Minimum lot sizes for all permanent structures constructed within Branson Hills shall be as approved on the final plat(s) for each parcel and as determined during the final platting process. This condition does not preclude smaller lots than permitted by the Subdivision Regulations for the City of Branson, provided that the density for the parcel being platted, as set forth in these Land Use Regulations, is not exceeded. The purpose of this provision is to allow for variety in design, the creation of larger open space areas and adoption of new concepts in housing as they evolve. Provisions for cluster housing, patio homes, zero lot line homes and so-called Z-lot homes are included within the single-family designation. When those land use options are exercised, the minimum lot size shall be 5,000 square feet.

Any parcel that allows Commercial uses may be i) platted as individual lots with sufficient land area to satisfy setback requirements, or ii) platted as condominium unit lots encompassing a permanent structure footprint with the balance of the land to be a common element of that condominium. For the parcels upon which residential uses are allowed (excluding timeshare, fractionals or condominiums) the parcel of land containing the minimal land area necessary to satisfy the setback requirements may be platted as individual lots. For those parcels upon which timeshares, fractionals or condominiums uses are allowed, setback requirements shall not apply to individual units, but to the main structure containing those units.

Open space and/or pedestrian walkways shall be platted either as individual lots, as special easements defining the precise use, as common areas, or on parcels where condominium time-share or fractional use is allowed, as common elements of that condominium.

**1.13 HEIGHT.** Since the project contains many different land use groups, the height restrictions within Branson Hills will vary according to the topography and the type of land use. The maximum height permitted within Branson Hills will be measured from the finish floor elevation of the floor that exists directly upon the uphill side of any lot (other than Condominium Units). That height restriction shall be limited to fifty feet (50') for stand-alone, single-family structures, one hundred feet (100') for Commercial, seventy five feet (75') for Multi-Family Lots, and two hundred feet (200') for Condominium and Hotel Towers, subject to the recorded Master Declaration.

Parcel 3-1 building heights – thirty five feet (35') for maintenance building and any accessory building, forty feet (40') for Conservatory indoor pool building, fifty feet (50') for time share buildings and sixty feet (60') for the main clubhouse building. (See exhibit "I" for 3-1 Building Height Map)

**1.14 VEGETATION BUFFERS.** An undisturbed natural vegetation buffer may be required by the Developer between all parcels upon which commercial and residential land uses are permitted, and between parcels upon which multi-family and single family residential land uses are permitted.

**1.15 SIDEWALKS.** Any sidewalks shall be constructed in general conformance with City of Branson standards; PROVIDED, HOWEVER, that sidewalks may deviate from these standards if an alternative plan is presented and approved by the City of Branson Planning Department at the time of permitting. In addition, a distinction between paved sidewalks and unpaved trails and walkways will be identified on the sidewalk plan submitted during the permitting process. Any sidewalk within a public street ROW shall be paved in concrete; however, other "all weather" materials may be used as an accent material. Sidewalks may be constructed along the commercial streets during the street construction process and sidewalks on residential streets may be constructed as homes are built on individual lots adjacent to such streets, unless otherwise noted within these Land Use Regulations. Any trails and walkways within the open space areas of Branson Hills may be constructed utilizing materials appropriate for and coordinating with the nearby land uses. For example, natural earth may



be used for equestrian trails, and asphalt, bark or synthetic mulch may be used for wilderness trails (see Required Minimum Improvements, §430.130).

**1.16 Parcel 3-1 sidewalk standards** – concrete sidewalks shall be constructed a minimum of four feet in width. When adjacent to parking bays they shall be increased to five feet in width. Sidewalks adjacent to the timeshare buildings shall be a minimum of seven feet in width and may contain a color pigment and stamped pattern. (See exhibit "J" for 3-1 Sidewalk Map) **LANDSCAPING.** Except as specifically stated herein to the contrary, the development of all parcels within Branson Hills shall be subject to the current applicable City of Branson Landscaping ordinance; provided, however, that all development shall be subject to and follow the provisions of Paragraph 6.1 of the Annexation Agreement. Street trees may be provided along all streets where possible within the development.

1. All development of the properties labeled Parcel 3-1 on the General Land use Map, attached hereto as '**Exhibit D**' shall follow city codes, particularly clearing and grading. All necessary permits shall be applied for and issued prior to any work being conducted.

**1.17 LOCAL CODES AND ORDINANCES.** In addition to any of the standards listed within these Land Use Regulations, all construction within Branson Hills shall be subject to local codes and ordinances as adopted by the City.

**1.18 FIRE SAFETY REQUIREMENTS.** All structures and improvements shall be required to follow all applicable codes and ordinances.

**1.19 PARKING LOT INTERIOR GREENSPACE.** The green space within the interior portion of all parking areas (excluding "on-street" parking on streets or drives) within commercial or multi-family use parcels within Branson Hills shall include a maximum of 10% interior green for the development, as per the Landscape ordinance or as otherwise approved by the City of Branson Planning and Zoning planning department. Green space located on the perimeter of any parking area shall be included in the calculation of the required 10% interior green area.

**1.20 TREE SAVING AND CLEARING.** Trees designated by the Developer to remain on a particular parcel are shown either on the Branson Hills Undisturbed Area Map attached hereto as **Exhibit "E"** (the "Undisturbed Area Map"). The Master Plan generally identifies the intent of the Developer to save as many trees on the Property as possible, especially the trees around the perimeter of the Golf Course. The precise areas that will be left undisturbed will be determined during the building permit process for each Project or Phase.

The Tree Clearing Regulation described in Section 6.1 of the Annexation Agreement shall be in effect during the development of the Property. Street trees shall be provided in Parcel 3-1 on a fifty foot (50') spacing where possible. The street trees within the parking areas shall count towards the required 10% landscaping. (See exhibit "K" for 3-1 Street Tree Map)

**1.21 STORM WATER DETENTION.** As a whole, the entire Property shall comply with City of Branson storm water detention requirements (the "Water Detention Requirements"). The final design of detention facilities may include lakes, ponds, various pools and other water detention methods, as well as park areas ("Detention Areas"). Park areas may be dedicated to the City of Branson at the Developer's discretion. Detention Areas may also be utilized by the Golf Course as a source of water for irrigation.

A storm water detention plan (the "Detention Plan") shall be prepared and submitted with each Development Plan and/or plat. The Developer may allow so-called "Area Wide" detention facilities, whereby the detention requirements of multiple tracts, parcels, Projects and Phases may be satisfied on a coordinated basis by a single Detention Area or by the combination of Detention Areas, even if the Detention Area(s) is located in whole or in part on other lots, tracts, parcels, Projects or Phases. If the Development Plan of a particular lot, tract, parcel, Project or Phase does not satisfy the Water Detention Requirements, on its own, it may be deemed to satisfy the Water Detention Requirements if on an Area Wide basis the Water Detention Requirements are satisfied. Therefore, Area Wide Detention Areas may be constructed to satisfy the detention requirements of several development

Projects or Phases (even if represented by several plats) provided that the Detention Plan addresses how the Water Detention Requirements are satisfied. A large Project creating significant storm water run-off may potentially damage downstream properties and may trigger the construction of an Area Wide Detention Area on other lots, tracts, parcels, Projects or Phases even if that Detention Area is outside the boundaries of that particular Project. In such event, easements may be required to be granted by the owner of the burdened property and shown on the Development Plan as well as the preliminary and final plats of that Project. The plats shall also show any Detention Areas and other improvements required to satisfy the Water Detention Requirements that are outside the boundaries of that Project.

Where possible, the natural drainage ways within the Property shall be left in their natural condition; PROVIDED, HOWEVER, that this provision does not in any way prevent the construction of the Golf Course, lakes, Detention Areas, nor the crossing of any such drainage ways by trails and/or sidewalks.

**1.22 OFF STREET PARKING.** All off-street parking contained within the Property shall adhere to the following general guidelines. All parcels used for Retail Space shall have a maximum of 4 spaces per 1,000 square feet.

Parking stalls not located within streets or drives shall be a minimum of nine feet (9') wide by nineteen feet (19') long with a twenty-three foot (23') drive permitted between two rows of 90 degree parking. Provisions for up to 10% of all parking may be designed for compact cars. The specific parking requirements for each particular land use allowed within the Branson Hills shall be as follows: **(See exhibit "G" for 3-1 Street and Parking Map)**

Hotel	1 space per room plus one space for each employee of the largest shift
Office	1 space per 1000 gross floor area
Timeshare	1-1/2 spaces per dwelling unit If a lock out is provided, the standard then increases to 1 space per bedroom, including the lock out
Residential Cabins connected to the hotel or the Golf Club	1-1/2 spaces per cabin
Apartment and Condos	Current City Code
All other residential uses	2 spaces per dwelling unit

**1.23 ACCESS AND SPECIAL USE EASEMENTS GRANTED.** It is anticipated that cross access easements providing for various future owners of the lots, parcels or tracts within Branson Hills will be created so that various individual owners of a lot, parcel or tract will have access across other lots, parcels or tracts owned by other parties for pedestrian foot travel, vehicular access and other access and easement as required herein or in the Master Declaration. These easements shall be on all final plats and may be included in specific recorded easement agreements.

A private access easement exists on Parcel 3-1 providing a driveway easement for an adjacent neighbor. Their driveway was not constructed within this easement and the developer of 3-1 will relocate that private driveway easement and construct a new driveway for that neighbor in the new location. This will permit better access to the neighbor and not require them to drive through the



timeshare maintenance yard to gain access to their property. (See exhibit "L" for 3-1 Private Driveway Easement Map)

**1.24 UTILITIES.** All utilities must be installed underground except for existing primary transmission lines (should they occur) on or adjacent to the development.

**1.25 SIGNAGE REGULATIONS.** The signs used within Branson Hills shall follow the regulations of the City of Branson, with the following exceptions: the Developer may create a specific sign ordinance governing the placement, design and size of each sign utilized within Branson Hills. The Developer hereby reserves this section of the Land Use Regulations until a more precise design concept regarding the development of the Property can be prepared. This sign ordinance may address "Way-finding" signage to permit limited off-premise signs to be utilized to direct visitors to uses in remote sections of the Property. It is not the intent to allow off-premise signs for a use or business that is located outside of the Property. At that time, the sign ordinance for the Property will be brought before the Board of Aldermen for review and approval, after which, it shall become part of these Land Use Regulations by reference as if it was part of these Land Use Regulations when adopted and may modify the City's general sign ordinance.

**Section 1.26 - is hereby amended by Ordinance 2007-088.**

## **BRANSON HILLS SIGN REGULATIONS**

### **Introduction**

The purpose of the Branson Hills Sign Regulation is to define standards by which signs and visual communication devices can be produced and installed in a fashion that encourages an orderly development of the project. The design criteria are based on signage designs that have been developed specifically for Branson Hills, as outlined in the Signage Master Plan. This is a very general Master Plan. The sign designs in the Signage Master Plan are for conceptual purposes only and the final design of the signage when produced may vary from the conceptual designs provided in the Signage Master Plan, as deemed necessary by the Developer. All signs will meet the size and square footage requirements, as included in this document and shown in the attached exhibits. The developer has the right to approve or decline signage based on aesthetic characteristics.

The City of Branson will review all signs that are required to be permitted as stated in these regulations. The developer will be required to provide the City of Branson with sufficient evidence of safety and submitting technical drawings that adequately define the scale of the sign, describes installation techniques and electrical requirements. State Certified Engineer Designed drawing may be required as demand necessary by the City of Branson.

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### **SECTION 100.1- COMMERCIAL/RETAIL SIGNS**

#### **Commercial/Retail Signs**

All commercial/retail signs will undergo a review process and adhere to these Sign Regulations and the Master Plan referenced above. Signs require a permit in the following cases:

- The sign is the primary storefront sign
- The sign is a secondary storefront sign, wall or blade mounted.
- Awnings with logos, lettering or signage attached or applied.
- Banners or flags bearing a specific message or logo.

- Directional signs using a tenant's logo.

## **SECTION 100.2 – RETAIL/COMMERCIAL SIGN SIZE AND SCALE REGULATIONS**

The size and scale of storefront signage is outlined herein as a standard gauge for optimal storefront aesthetic character and standards of public safety. When calculating frontage area, the building side with the primary customer entrance shall be used. If the space occupies a multi-sided storefront, such as a corner building, each side with an entrance will represent its own frontage space. The Landlord has the right to approve or decline this type of sign based on aesthetic characteristics.

### **Projecting /Marquee/Roof/Wall Signs:**

- The primary storefront sign area shall not exceed 25% of the building frontage area.
- Individual secondary storefront sign area shall not exceed 30% of the sign area of the primary storefront sign.
- Total storefront sign area shall not exceed 40% of the building frontage.
- Wall Signs shall not extend more than (1) foot from the face of the wall and not extend above the highest point of the wall.
- Technical drawings must be submitted defining satisfactory installation methods and electrical loads, in accordance with locally adopted building and electric codes.
- Landlord must approve all sign design.

### **Freestanding/Monument Signs:**

Freestanding or monument signs will be allowable in areas that the City of Branson determines to be safe to the public with consideration to vehicle traffic and public walkways. The developer has the right to approve or decline this type of sign based on aesthetic characteristics.

- Each retail/commercial area will be allowed one center island monument between traffic lanes or a monument on either or both sides of the street, not to exceed one hundred and fifty (150) square feet in sign area and three hundred (300) square feet in structure area per individual sign.
- One freestanding sign will be allowed for each commercial area, not to exceed a total of one hundred and fifty (150) square feet in sign area.
- A freestanding or monument sign may be allowed to be placed in such a manner as to be visible to traffic on Branson Hills Parkway in the event an on property amenity is constructed that is not adjacent to Branson Hills Parkway. All signs are subject to the City of Branson Municipal Codes as well as traffic sight distance and triangle requirements.

### **Under Canopy Signs:**

- A business may have one under canopy sign in addition to other signs allowed in this regulation. Under-canopy sign shall have a clearance of not less than 8' above existing finish grade, will not exceed twelve (12) square feet, and cannot swing in the wind. A separate permit is required for such under-canopy sign.

## **SECTION 200 – SIGNS OF LODGING/RESIDENTIAL SPACES**

Exterior signs for the residential and hotel spaces within the Branson Hills shall conform to the same standards of the exterior retail signs unless otherwise specifically addressed within this document.

The Following signs will require a sign permit as described:

#### **Exterior Residential/Lodging Signs**

- All exterior residential/lodging signage including but not limited to wall signs, blade signs, roof signs, monument signs, freestanding signs, and any sign using a power source for illumination.
- Exterior signs for amenities or businesses occupying space within the building and lacking exterior frontage access.
- Wall mounted exterior directional signs bearing a tenant's logo.

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#### **SECTION 200.2- LODGING SIGN SIZE AND SCAPE REGULATIONS**

The size and scale of signage for lodging use is outlined herein as a standard gauge for optimal aesthetic character and standards of public safety. The landlord has the right to approve or decline this type of sign based on aesthetic characteristics.

- Multiple building sides may be used. Each side will represent its own building frontage area.
- The primary sign area shall not exceed 25% of the building frontage area. The "primary sign area" is defined as the main entrance.
- The area of individual secondary signs shall not exceed 30% of the sign area of the primary sign.
- Total sign area shall not exceed 40% of the building frontage. (The building's total signage)
- Technical drawings must be submitted defining satisfactory installation, methods and electrical requirements, in accordance with the City of Branson's adopted electrical and building codes.
- No home occupation signage will be allowed on any residential properties.

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#### **SECTION 300 – BRANSON HILLS MONUMENT SIGNAGE**

Monument signage consisting of a center island monument between traffic lanes or a monument sign on either or both sides of the street will be allowed at the Development entrances along Hwy 248, Buchanan, Branson Hills Parkway and at the intersections of and the intersections of Hwy 248 and Branson Hill Parkway. Square footage of this signage not to exceed one hundred fifty (150) square feet in sign area and three hundred (300) square feet in structure area per individual sign.

Monument signage consisting of a center island monument between traffic lanes or a monument sign on either or both sides of the street will be allowed at the entrances of retail/commercial, residential, lodging and amenity areas on any streets within the Branson Hills Planned Development. Square footage of this signage not to exceed one hundred (100) square feet in sign area and two hundred (200) square feet in structure area per individual sign.

Monument signage consisting of a monument sign on either or both sides of the Ha Ha Road as it enters parcel 3-1 will be allowed or a monument sign being incorporated into a wall as part of the retention/detention lake at the entrance to this parcel. (See page 65 of this document for the location of a permitted monument sign) In addition, a directional sign will be permitted at the intersection of the Ha Ha Road and Pinehurst Road providing direction to Parcel 3-1, St. Andrews. (See page 57 of this document for location of a permitted directional sign)

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#### **SECTION 500 – BANNERS AND SIGNS TEMPORARY IN NATURE**

Tenant displayed banners and signs temporary in nature, shall require a temporary sign permit. These signs may not be displayed for over 30 days per address, cumulative total, per calendar year.

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#### **SECTION 500.1 – DEFINITIONS OF BANNERS AND SIGNS TEMPORARY IN NATURE**

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##### **Non-durable display boards**

A non-durable display board may be any type of material that will not withstand exposure to rain and harsh weather environmental elements. This may include, but not exclusive to, paper-based products such as poster board and sheet paper.

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#### **SECTION 500.2 – REGULATIONS SPECIFIC TO BANNER AND SIGNS TEMPORARY IN NATURE**

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- Banners installed by the tenant will be allowable for up to 30 days, per address, cumulative total, per calendar year. The graphic design, location plans, and intended timeframe must be presented to the Landlord for approval prior to obtaining a banner sign permit from the appropriate Municipal authority.
- Banners located on or adjacent to the golf course or golf course signage will be exempt from permitting, but will only be allowed to be displayed a period not longer than 5 days for golf events and sponsors of golf events.
- No handwritten signs within tenant spaces predominately viewable from outside the tenant space will be allowed without approval of the landlord. These signs must be changed or removed within seven days of their initial display.

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#### **SECTION 600 – EXEMPT SIGNS**

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The following signs will be exempt from the aforementioned approval process and will not require a sign permit.

Interior Signs not defined as a window sign.

Typical Way finding and Public Access Signage.

Signage used to direct public traffic and defines public use areas will be required to be erected in a safe manner and inspected by the City of Branson, but these signs will not be subject to the review process when the signage fulfills the following characteristics:

- Restroom markers
- Loading dock signage with a single sign face under 32 square feet in area and not illuminated.
- Way finding directional, under 16-square feet in sign face area.
- Vehicular directional signs and traffic control signs.
- Directory structures used to display on premise advertisements in which the image graphic sign face area does not exceed 32 square feet.
- Emergency 911 signs
- Murals that are not commercial in nature (as approved by the Landlord/Developer) and contain no advertising matter.
- Seasonal decorations displayed within a reasonable time frame before, during and after the holiday.

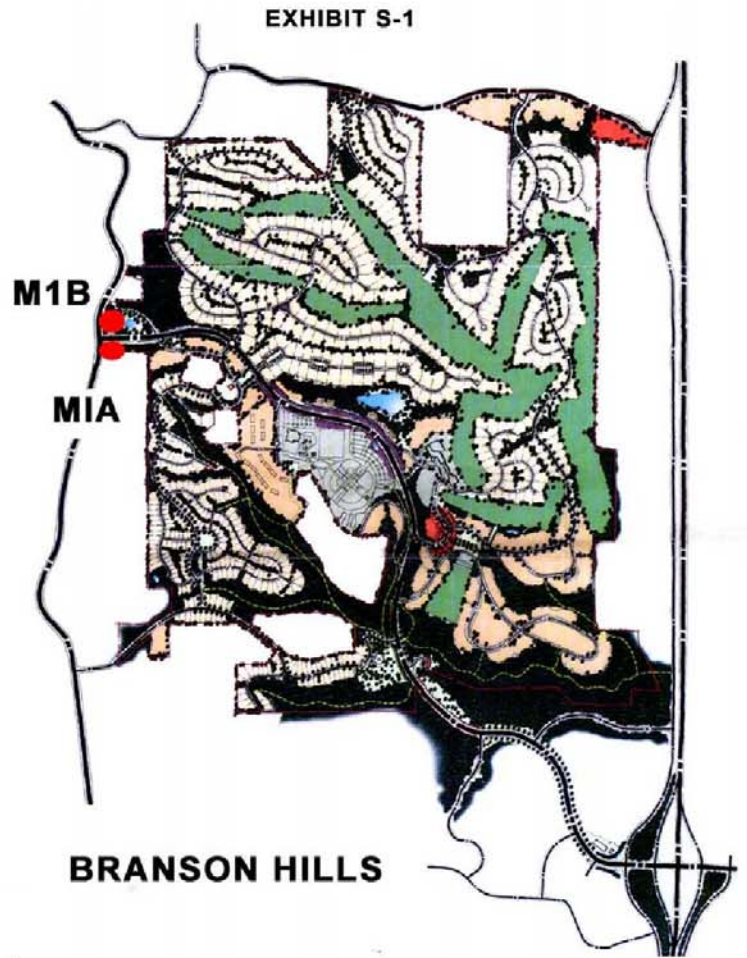
- Lodging or residential unit identification numbers.
- All golf course signage sixteen (16) square feet and under.

Signage used to cover vacant storefront windows, which can be used to conceal interior construction in preparation for the next tenant, announce coming events and/or advertise other properties, venues or attractions that are located within the Branson Hills Planned Development, providing that these coverings are only fabric, paper, or other non-structural, not-illuminated coverings.

### **Conclusion**

It is the desire of the Developer to create an environment that is an enjoyable experience for all visitors. The Branson Hills Sign Regulations are being created to maintain and ensure ideal aesthetic qualities.

**SUBDIVISION SIGNS** – Within Branson Hills Planned Development PD –2005-007, two (2) subdivision signs shall be allowed per entrance into this planned development, each to be located adjacent to Branson Hills Parkway, each to be located within the legally described area of PD-2005-007, each to be located on private property, each to be installed minimum of fifteen feet (15') from property lines, except for M1A, which shall be allowed a setback of a minimum of ten feet (10'), and each complying with the size and height description attached on attached Exhibit S-1. No subdivision sign shall be located in the intersection clear sight triangle. No advertising matter shall be allowed on subdivision signs. A permit is required. (Amended by Ordinance No. 2007-055)



## 2.0 REGULATIONS SPECIFIC TO EACH TRACT OF LAND

**2.01 ZONING USES.** These Land Use Regulations restrict the full range of uses normally allowed within a Commercial or other zoning district. The uses that are permitted in each parcel within the Property are listed below and identified by parcel. Uses not listed but deemed by the Board of Aldermen to be in character with the PD-Planned Development and zoning district and with other approved uses within the parcel shall also be allowed. Uses allowed by entitlement in these Land Use Regulations are as follows: **(See exhibit "M" for 3-1 Land Use Map)**

### 2.02 SPECIFIC USES PER TRACT

Parcel 1

C-Commercial Uses (Commercial/Retail Parcel).

1. Any use permitted in the R-3 Multiple Family Residential District of the Branson Municipal Code. Allowed density: 16 DU per acre. Includes patio homes, zero lot line homes and z-lot homes.

2. Accessory structures to serve the project.
3. Amusement parlors, arcades, or any other tourist-intensive recreational use.
4. Animal hospital, kennel, pet shop.
5. Antique shop.
6. Appliance store.
7. Arts and crafts (including galleries).
8. Bakery/delicatessen.
9. Bank and financial institution.
10. Barber and beauty shop.
11. Brewing of alcoholic beverages (including on-site consumption).
12. Clothing and shoe store.
13. Clubhouse and related recreation facilities; food preparation facilities for residents only and meeting rooms.
14. Commercial recreational facilities (including golf courses and country clubs).
15. Convenience store with fuel dispensing.
16. Daycare facilities.
17. Department store.
18. Drug store.
19. Entertainment facilities including supper clubs.
20. Fast food restaurants.
21. Florist.
22. Furniture store.
23. General merchant, department and variety store.
24. Gifts and souvenirs.
25. Grocery store.
26. Hardware store.
27. Hotel and motel.
28. Hospitals, rest and nursing homes.
29. Laundry and dry cleaners, both plant and pick up facilities.
30. Maintenance facility.
31. Movie exhibition.
32. Music store and studio.
33. Museums, including car museums and car sales.
34. Newspaper publishing.
35. Newsstand.
36. OPC Centers.
37. Package Liquor stores.
38. Parking facilities including garages and auto maintenance facilities.
39. Photography studios.
40. Professional and general offices.
41. Project offices, including sales office.
42. Public utility offices.
43. Radio and TV broadcasting facilities.
44. Restaurants (with and without liquor consumption).
45. Self-service laundry.
46. Service station and auto repair.
47. Sporting goods store and boat sales and repair facilities.
48. Timeshare, including fractional sales. Allowed density: 32 DU/acre (including timeshare sales office).
49. Whole ownership nightly rental condos, cabins or houses. Allowed density: 16 DU/acres.
50. Wholesale (sales, office and storage) operations.

Parcel 2

C-Commercial Uses (Commercial/Retail Parcel).



1. Any use permitted in the R-3 Multiple Family Residential District of the Branson Municipal Code. Allowed density: 16 DU per acre.
2. Accessory structures to serve the project.
3. Amusement parlors, arcades, or any other tourist-intensive recreational use.
4. Antique shop.
5. Arts and crafts (including galleries).
6. Bakery/delicatessen.
7. Bank and financial institution.
8. Barber and beauty shop.
9. Brewing of alcoholic beverages.
10. Clothing and shoe store.
11. Clubhouse and related recreation facilities; food preparation facilities for residents only and meeting rooms.
12. Commercial recreational facilities.
13. Daycare facilities.
14. Department store.
15. Drug store.
16. Entertainment facilities including supper clubs.
17. Florist.
18. Gifts and souvenirs.
19. Golf clubhouse and related facilities.
20. Hotel and motel.
21. Hospitals, sanitariums, rest and nursing homes.
22. Laundry and dry cleaners pick up location.
23. Maintenance facility.
24. Movie exhibition.
25. Music store and studio.
26. Museums, including car museums and car sales.
27. Newsstand.
28. Nightclub and dancing facilities.
29. OPC Centers.
30. Package liquor stores.
31. Parking facilities including garages.
32. Photography studios.
33. Professional and general offices.
34. Project offices, including sales office.
35. Public buildings, assembly halls, auditoriums and amphitheater.
36. Public utility offices.
37. Radio and TV broadcasting facilities.
38. Restaurants.
39. Sporting goods store.
40. Theater, coliseum, arena, convention facilities.
41. Timeshare, including fractional sales. Allowed density: 32 DU/acre (including timeshare sales office).
42. Water slides, pools and other water related recreational facilities.
43. Whole ownership nightly rental condos, cabins or houses. Allowed density: 16 DU/acre.

Parcel 3

Multifamily uses.

1. Accessory structures to serve project.
2. Any use permitted in the Multiple Family Residential District of the Branson Municipal Code. Allowed density: 16 DU/acre.
3. Clubhouse and related recreational facilities, food preparation facilities for residents only and meeting rooms.

4. Churches.
5. Cluster single-family housing.
6. Condo sales and nightly rental.
7. Daycare facilities.
8. Maintenance facility.
9. One-family residences.
10. Other supporting recreational uses and facilities limited to guests (e.g. pavilions, workout facilities, pools, etc.)
11. Park and recreation facilities.
12. Patio homes.
13. Self-service laundry.
14. Schools, public and private.
15. Timeshare, including fractional sales. Allowed density: 32 DU/acre.
16. Timeshare sales center.
17. Golf and Club Villas.
18. Z-lot homes.

Parcel 3-1

Multifamily uses. (See exhibit "M" for 3-1 Land Use Map)

1. Accessory structures to serve project.
2. Any use permitted in the Multiple Family Residential District of the Branson Municipal Code. Allowed density: 16 DU/acre.
3. Clubhouse and related recreational facilities, food preparation and dining facilities and meeting rooms for residents of Branson Hills, St. Andrews and their guests.
4. Churches and/or chapels.
5. Condo sales and nightly rental.
6. Daycare facilities.
7. Maintenance facility.
8. Other supporting recreational uses and facilities limited to guests (e.g. pavilions, workout facilities, indoor and outdoor pools, etc.)
9. Park and recreation facilities.
10. Self-service laundry.
11. Timeshare, including fractional sales. Allowed density: 32 DU/acre.
12. Timeshare sales center.

Parcel 4

Single Family Residential Uses

1. Accessory structures to serve project.
2. Any use permitted in the Single Family Residential District of the Branson Municipal Code. Allowed density: 4 DU/acre unless otherwise specified herein.
3. Churches.
4. Cluster single-family housing (6 DU/acre).
5. Clubhouse and related recreational facilities, food preparation facilities for residents only and meeting rooms.
6. Day care centers.
7. Maintenance facilities.
8. Other supporting recreational uses and facilities limited to guests.
9. Patio homes (6 DU/acre).
10. Park, recreation and open space facilities.
11. Private swimming pools including indoor pools.
12. Zero lot line homes (6 DU/acre).

13. Z-lot homes (6 DU/acre).

Parcel 5

Parks and Open Space Uses.

1. Accessory structures to serve project.
2. Court and field games.
3. Day care facilities.
4. Gazebos, picnic shelters, parking, recreational and garden activities.
5. Golf Course expansion.
6. Hiking and biking trails.
7. Maintenance facilities.
8. Noncommercial accessory structures.
9. Open space facilities.
10. Other supporting recreational uses and facilities limited to guests.
11. Parks.
12. Park shelter/gazebo.
13. Picnic facilities.
14. Playgrounds.
15. Public Facilities.
16. Swimming Pools.
17. OPC.

Parcel 6

Golf Course.

1. Golf Course with all related structural and technical requirements, including Driving Range and Cart Maintenance facilities.
2. Maintenance facilities.

Parcel 7

Out Parcels to be added at a later date.

**2.03 PROHIBITED USES—ALL PHASES**

1. Agriculture/livestock.
2. Rendering plants.
3. Adult video, bookstores, sex-toy retail.

**3.0 REGULATIONS SPECIFIC TO INFRASTRUCTURE CONSTRUCTION**

**3.01 PLATTING REQUIREMENTS.** Since Branson Hills may be developed over a number of years and accomplished through numerous Phases or Projects, final platting will be accomplished in concert with the development's timing requirements. Final plats will be prepared in accordance with the current Subdivision Regulations and Codes for the City of Branson in force at the time of platting. Each Final Plat shall indicate all lots, ROW's, Easements, open space, parks and property dedicated. Platting may occur in phases and may include individual lots or multiple lots as a final plat.

**3.02 INFRASTRUCTURE CONSTRUCTION.** The Branson Hills Parkway ROW (see Branson Hills Parkway Legal Description attached to this document) shall be dedicated to the City of Branson per the terms and conditions specified in the Branson Hills Annexation Agreement and all conditions of that agreement are also made a part of this document by reference.

On a phase-by-phase basis, all infrastructure shown on the Master Plan, including but not limited to streets, drives, curbs and gutters, sidewalks, sewer, water, storm drainage, etc., shall be installed,

inspected and approved by the City Engineering Department prior to approval of any building occupancy permit within each phase. The construction of these improvements shall coincide with the final platting for each phase as determined throughout the life of these Land Use Regulations.

The phasing of the Public Streets and Private Drives shall generally follow the sequence identified within these Land Use Regulations; however, the precise order of the phases may be altered at the Developer's discretion. Each phase and the limits of roadway to be constructed within any such phase shall be submitted to the City of Branson Planning Commission for their review of the conformance with the provisions of these Land Use Regulations.

**3.03 PROPERTY PHASING.** Phasing for the Property shall consist of multiple phases to be determined later at the Developer's discretion. As each Project and/or Phase must satisfy the Water Detention Requirements as set forth in Section 1.21 above, the sanitary sewer mains, the water mains, electrical, telephone, gas (if available) and cable service shall be installed in accordance with the Development Plan of a particular Project or Phase. The intent is to provide all infrastructure items for each Project or Phase within Branson Hills, thereby making them available for sale and for obtaining building permits.

**3.04 PARKS AND OPEN SPACE DEDICATION.** Since the Master Plan has been prepared showing large tracts of land that will later be subdivided and platted, it may not indicate the precise location for park and open space land with these parcels. The exception is the Recreational Center Complex (city Park), which has been contributed to the City of Branson as part of the Annexation Agreement. (See Legal Description for City Park attached to this document.) Adjacent park land, linear parks and open space areas may be identified and platted later may be dedicated to the City as each plat is accepted and recorded at Taney County, or at other times as mutually agreed by the Developer and the City. At that time, the Developer may deed to the City of Branson, the park and open space lands intended for general public use. This provision does not preclude the Developer from retaining portions of the park and open space properties identified on the final plats for private use and to be under private ownership and maintained by various Home Owner's Associations or a Master Owner's Association.

**3.05 WATER WELL ENTITLEMENT.** As specified ~~[and regulated in the Annexation Agreement]~~, the Developer shall be entitled to drill, construct, install and operate ~~[two (2)]~~ **four (4)** water wells, (including appropriate pumping and distribution facilities and systems) within the Property for the purposes of irrigation of the Golf Course, green spaces, green areas, green belts, open areas, landscaping, vegetation buffers ~~[and other purposes as the Developer sees fit throughout the Property]~~.

9916-001/39794.7  
TJR 10/11/05

## EXHIBIT A LEGAL DESCRIPTION

Description:

A tract of land situated in part of Sections 17, 18, 19 and 20, Township 23 North, Range 21 West, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing Sand Stone marking the quarter corner of said Sections 19 and 20; Thence S 00°05'19" E, along the West line of the NW1/4 of the SW1/4 of Section 20, a distance of 1319.47 feet to an existing Lime Stone marking the Southwest corner of the NW1/4 of the SW1/4 of Section 20 for a Point

of Beginning; Thence N 89°47'26" W, a distance of 1326.72 feet to an existing 1/2" iron pin marking the Southwest corner of the NE1/4 of the SE1/4 of Section 19; Thence N 00°18'51" E, along the West line of the NE1/4 of the SE1/4 of Section 19, a distance of 708.45 feet to an existing 5/8" iron pin set by RLS 1918; Thence S 89°39'43" E, leaving the West line of the NE1/4 of the SE1/4, a distance of 449.95 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 37°29'26" E, a distance of 237.12 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 51°48'20" W, a distance of 669.48 feet; Thence Northwesterly along a 12.8755 degree curve to the left, 77.58 feet (said curve having a radius of 445.00 feet) to a point on the West line of the E1/2 of the NE1/4 of Section 19; Thence S 00°00'10" W, along the non-tangent, West line of the E1/2 of the NE1/4 of Section 19, a distance of 28.36 feet to an existing 1/2" iron pin marking the Northwest corner of the NE1/4 of the SE1/4 of said Section 19; Thence N 89°56'22" W, along the South line of the SW1/4 of the NE1/4 of Section 19, a distance of 1005.22 feet; Thence N 00°14'44" E, leaving the South line of the SW1/4 of the NE1/4, a distance of 71.81 feet to a point on a non-tangent curve; Thence Westerly along a non-tangent 12.8755 degree segment of a curve to the left, 203.81 feet (said segment having a chord bearing and distance of S 61°47'04" W, 202.03 feet and having a radius of 445.00 feet); Thence S 48°39'50" W, a distance of 183.29 feet to a point on the West line of the NW1/4 of the SE1/4 of Section 19; Thence N 00°29'26" E, along the West line of the NW1/4 of the SE1/4 of Section 19, a distance of 53.68 feet; Thence S 48°39'50" W, leaving the West line of the NW1/4 of the SE1/4, a distance of 569.06 feet; Thence S 52°44'24" W, a distance of 172.97 feet; Thence N 00°33'40" W, a distance of 87.30 feet; Thence N 52°44'24" E, a distance of 118.30 feet; Thence N 48°39'50" E, a distance of 629.18 feet to a point on the west line of the W1/2 of the NE1/4 of Section 19; Thence N 00°04'36" W along the west line of the NE1/4 of said Section 19, a distance of 253.69 feet; Thence N 89°36'51" E, leaving the west line of the NE1/4 of Section 19, a distance of 317.33 feet to a point on a curve; Thence Northerly along a 10.6103 degree segment of a curve to the right, 39.97 feet (said segment having a chord bearing and distance of N 07°31'16" E, 39.96 feet and a radius of 540.00 feet); Thence N 09°38'29" E, a distance of 204.93 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 84°43'48" W, a distance of 358.77 feet to a point on the west line of the NE1/4 of Section 19; Thence N 00°04'36" W, along the west line of the NE1/4 of said Section 19, a distance of 271.01 feet; Thence S 80°23'39" E, leaving the west line of the NE1/4 of Section 19, a distance of 402.87 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 09°36'16" E, a distance of 133.49 feet to an existing 5/8" iron pin set by RLS 1918; Thence Northerly along a 8.2440 degree curve to the left, 321.83 feet (said curve having a radius of 695.00 feet) to a point of reverse curvature; Thence Northerly along a 7.1175 degree curve to the right, 723.40 feet (said curve having a radius of 805.00 feet) to an existing 5/8" iron pin set by RLS 1918; Thence N 55°26'20" W, along a non-tangent line a distance of 110.13 feet to an existing 5/8" iron pin set by RLS 1918; Thence S 89°55'18" W, a distance of 417.14 feet to a point on the west line of the NE1/4 of said Section 19; Thence N 00°04'36" W, along the west line of the NE1/4 of Section 19, a distance of 392.79 feet; Thence S 87°05'39" E, leaving the West line of the NE1/4 of Section 19, a distance of 57.31 feet; Thence S 47°41'04" E, a distance of 69.92 feet; Thence S 70°45'07" W, a distance of 30.42 feet; Thence N 88°48'05" E, a distance of 30.02 feet; Thence N 67°07'10" E, a distance of 26.98 feet; Thence N 88°48'53" E, a distance of 49.30 feet; Thence S 65°56'52" E, a distance of 233.33 feet; Thence S 87°33'48" E, a distance of 122.78 feet; Thence S 69°19'09" E, a distance of 235.51 feet to a point on a non-tangent curve; Thence northeasterly along a non-tangent 7.1175 degree segment of a curve to the right, 352.69 feet (said segment having a chord bearing and distance of N 70°11'38" E, 349.88 feet and having a radius of 805.00 feet); Thence N 82°44'43" E, a distance of 321.88 feet; Thence N 41°36'28" W, a distance of 104.17 feet; Thence N 58°33'18" W, a distance of 535.18 feet; Thence N 14°31'55" W, a distance of 30.78 feet to a point on the North line of the NW1/4 of the NE1/4 of Section 19; Thence N 89°54'30" W, along the North line of the NW1/4 of the NE1/4 of Section 19, a distance of 855.88 feet to an existing sand stone marking the Northwest corner of the NW1/4 of the NE1/4 of Section 19; Thence N 00°14'58" E, along the West line of the SW1/4 of the SE1/4 of said Section 18, a distance of 1332.70 feet to an existing lime stone marking the Northwest corner of the SW1/4 of the SE1/4 of Section 18; Thence S 89°38'00" W, along the South line of the N1/2 of the fractional SW1/4 of said Section 18, a distance of 699.91 feet to a point on the Easterly right-of-way line of M.S.H.D. Route 248, said point being on a non-tangent curve; Along the Easterly right-of-way line of M.S.H.D. Route 248 as follows: Thence northerly along a non-tangent 5.7562 degree segment of a curve to the left, 52.39 feet (said segment having a chord bearing and distance of N 06°13'02" E, 52.38 feet and having a radius of 995.37 feet) to Sta 378+02 and 40 feet left of center line;

Thence S 85°17'25" E, along a non-tangent line a distance of 5.00 feet to Sta 378+02 and 45 feet left of center line, said point being on a non-tangent curve; Thence Northerly along a non-tangent 5.7275 degree segment of a curve to the left, 106.80 feet (said segment having a chord bearing and distance of N 01°39'04" E, 106.75 feet and having a radius of 1000.37 feet) to Sta 377+00 and 45 feet left of center line; Thence N 88°35'33" E, along a non-tangent line, a distance of 25.00 feet to Sta 377+00 and 70 feet left of center line, said point being on a non-tangent curve; Thence Northerly along a non-tangent 5.5878 degree segment of a curve to the left, 11.27 feet (said segment having a chord bearing and distance of N 01°43'21" W, 11.27 feet and having a radius of 1025.37 feet) to PC Sta 376+89.5 and 70 feet left of center line; Thence N 02°02'14" W, a distance of 89.50 feet to Sta 376+00 and 70 feet left of center line; Thence S 87°57'46" W, a distance of 30.00 feet to Sta 376+00 and 40 feet left of center line; Thence N 02°02'14" W, a distance of 90.30 feet to PT Sta 375+12.9 and 40 feet left of center line; Thence Northerly along a 8.4659 degree curve to the right, 369.19 feet (said curve having a radius of 676.78 feet) to PC Sta 371+22.3 and 40 feet left of center line; Thence N 29°13'04" E, a distance of 83.73 feet; Thence N 89°48'24" E, leaving the Easterly right-of-way line of M.S.H.D. Route 248, a distance of 459.30 feet; Thence N 00°11'36" W, a distance of 327.98 feet; Thence N 72°12'54" W, a distance of 246.10 feet to a point on the Easterly right-of-way line of M.S.H.D. Route 248, said point being on a non-tangent curve; Thence Northeasterly along a non-tangent 13.5432 degree segment of a curve to the left, 124.78 feet (said segment having a chord bearing and distance of N 14°57'41" E, 124.32 feet and having a radius of 423.06 feet) to a point on the North line of the fractional SW1/4 of Section 18; Thence N 89°48'24" E, along the north line of the fractional SW1/4 of Section 18, a distance of 317.95 feet to the Northwest corner of the NW1/4 of the SE1/4 of Section 18; Thence N 89°05'54" E, a distance of 1324.62 feet to an existing wagon tire iron marking the Northeast corner of the NW1/4 of the SE1/4 of Section 18; Thence N 00°01'02" E, a distance of 1319.59 feet to the Northwest corner of SE1/4 of the NE1/4 of Section 18; Thence S 89°30'30" E, a distance of 1314.29 feet to an existing wagon tire iron marking the Northeast corner of the SE1/4 of the NE1/4 of Section 18; Thence N 00°30'09" E, along the West line of NW1/4 of the NW1/4 of said Section 17, a distance of 1288.73 feet to a point on Southerly right-of-way line of existing Buchanan Road, said point being on a non-tangent curve; Along the original South right-of-way of Buchanan Road as follows: Thence easterly along a non-tangent 2.9626 degree segment of a curve to the right, 268.70 feet (said segment having a chord bearing and distance of S 80°24'07" E, 268.48 feet and having a radius of 1933.99 feet); Thence S 76°25'18" E, a distance of 341.87 feet; Thence Easterly along a 6.0720 degree curve to the right, 306.70 feet (said curve having a radius of 943.60 feet); Thence S 57°47'56" E, a distance of 166.58 feet; Thence Southeasterly along a 11.0019 degree curve to the left, 106.62 feet (said curve having a radius of 520.78 feet); Thence S 69°31'44" E, a distance of 130.02 feet; Thence Easterly along a 16.5762 degree curve to the left, 72.34 feet (said curve having a radius of 345.65 feet) to a point on the west line of the NE1/4 of the NW1/4 of Section 17; Thence S 00°20'19" W, along the west line of the NE1/4 of the NW1/4 of Section 17, a distance of 851.52 feet to an existing wagon tire marking the Southwest corner of the NE1/4 of the NW1/4 of Section 17; Thence S 00°05'44" E, along the west line of the SE1/4 of the NW1/4 of Section 17, a distance of 997.04 feet; Thence S 89°41'35" E, a distance of 1316.14 feet to a point on the east line of the SE1/4 of the NW1/4 of Section 17; Thence N 00°04'15" W, along the east line of the SE1/4 of the NW1/4 of Section 17, a distance of 1000.45 feet to an existing wagon tire iron marking the Southeast corner of the NE1/4 of the NW1/4 of Section 17; Thence N 00°04'14" E, along the east line of the NE1/4 of the NW1/4 of Section 17, a distance of 664.53 feet to an existing 1/2 iron pin; Thence N 67°31'54" W, leaving the east line of the NE1/4 of the NW1/4 of Section 17, a distance of 1021.27 feet to a point on new southerly right-of-way line of Buchanan Road, said point being on a non-tangent curve; Along the new southerly right-of-way line of Buchanan Road as follows: Thence northeasterly along a non-tangent 7.2161 degree segment of a curve to the left, 138.98 feet (said segment having a chord bearing and distance of N 63°09'18" E, 138.81 feet and having a radius of 794.00 feet); Thence N 58°08'25" E, a distance of 84.80 feet; Thence Easterly along a 7.8060 degree curve to the right, 411.09 feet (said curve having a radius of 734.00 feet); Thence S 89°46'12" E, a distance of 910.18 feet; Thence southeasterly along a 5.9068 degree curve to the right, 386.20 feet (said curve having a radius of 970.00 feet); Thence S 66°57'30" E, a distance of 925.04 feet; Thence southeasterly along a 36.1830 degree curve to the right 370.01 feet (said curve having a radius of 158.35 feet); Thence S 42°35'11" E, a distance of 87.39 feet; Thence easterly along a 48.6423 degree curve to the left, 230.01 feet, (said curve having a radius of 117.79 feet); Thence S 73°54'56" E, a distance of 78.96 feet to a point on the outer road



of M.S.H.D. Route 65; Thence southwesterly along the outer road right-of-way line along a 4.8111 degree segment of a curve to the left, 133.64 feet (said segment having a chord bearing and distance S 10°31'03" W, 133.57 feet and having a radius of 1190.92 feet); Thence N 80°17'54" W, leaving the right-of-way line of the existing outer road, a distance of 821.95 feet to a point on the east line of the W1/2 of the NE1/4 of Section 17; Thence S 00°03'59" W, along the east line of the W1/2 of the NE1/4, a distance of 1936.93 feet to an existing 5/8" iron pin marking the Southeast corner of the W1/2 of the NE1/4 of Section 17; Thence S 00°14'29" W, along the east line of the NW1/4 of the SE1/4 of Section 17, a distance of 1318.63 feet to an existing wagon tire iron marking the Southeast corner of the NW1/4 of the SE1/4; Thence S 00°09'31" E, a distance of 1326.10 feet to the Southeast corner of the SW1/4 of the SE1/4 of Section 17; Thence S 89°31'21" E, along the North line of the NE1/4 of the NE1/4 of said Section 20, a distance of 297.20 feet; Thence S 00°27'54" E, parallel with the east line of the property described in General Warranty Deed recorded in Book 237, at Page 1169 of the records of Taney County, Missouri, a of 1309.54 feet, to a point on the south line of said Book 237, at Page 1169; Thence S 89°23'34" W, along the south line of the parcel described in Book 237, at Page 1169, a distance 301.93 feet, to a point on the east line of the NW1/4 of the NE1/4 of said Section 20; Thence S 00°15'27" E, along the east line of the NW1/4 of the NE1/4 of said Section 20, a distance of 7.99 feet to an existing lime stone marking the Southeast corner of the NW1/4 of the NE1/4 of Section 20; Thence S 00°03'06" E, a distance of 1333.47 feet to an existing stone marking the Southeast corner of the SW1/4 of the NE1/4 of Section 20; Thence S 89°39'15" E, along the south line of the SE1/4 of the NE1/4 of Section 20, a distance of 654.93 feet; Thence S 00°01'07" W, leaving the South line of the SE1/4 of the NE1/4 of Section 20, a distance of 102.88 feet; Thence S 18°17'50" E, a distance of 237.32 feet; Thence S 26°40'54" E, a distance of 335.06 feet; Thence S 19°33'59" E, a distance of 256.63 feet; Thence N 89°59'14" W, a distance of 412.95 feet; Thence South, a distance of 222.30 feet to a point on the North line of Lot 14 Branson Hills, a subdivision plat recorded in Plat Book/Slide "D", at Pages 414 through 432 of the records of Taney County, Missouri; Along the north line of Lots 14, 13-1, 13-2, and 13-3 of Branson Hills as follows: Thence West, a distance of 848.83 feet to the Northwest corner of Lot 13-2; Thence N 45°10'12" W, a distance of 352.51 feet; Thence S 87°56'11" W, a distance of 1105.72 feet to existing 5/8" iron pin set by RLS 1918 marking the Northwest corner of Lot 13-3; Thence S 89°56'22" W, a distance of 79.91 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 68°17'10" W, a distance of 641.65 feet; Thence S 35°34'09" W, a distance of 33.29 feet to an existing 5/8" iron pin set by RLS 1918; Thence S 73°30'33" W, a distance of 266.95 feet to a point on a non-tangent curve; Thence Southeasterly along a non-tangent 3.9514 degree segment of a curve to the left, 266.78 feet (said segment having a chord bearing and distance of S 41°27'21" E, 266.40 feet and having a radius of 1450.00 feet); Thence S 46°43'36" E, a distance of 531.04 feet; Thence Southeasterly along a 8.8147 degree curve to the left, 376.93 feet (said curve having a radius of 650.00 feet), to a point on a non-tangent curve; Thence Westerly along a non-tangent 9.4704 degree segment of a curve to the right, 9.01 feet (said segment having a chord bearing and distance of N 82°48'55" W, 9.01 feet and having a radius of 605.00 feet); Thence along a radial line S 07°36'41" W, along a non-tangent line, a distance of 110.00 feet to a point on a non-tangent curve; Thence Westerly along a non tangent 8.0134 degree segment of a curve to the right, 445.03 feet (said segment having a chord bearing and distance of N 64°33'27" W, 437.88 feet and having a radius of 715.00 feet); Thence N 46°43'36" W, a distance of 363.87 feet; Thence N 38°52'59" W, a distance of 164.87 feet; Thence Northwesterly along a non tangent 3.6965 degree segment of a curve to the right, 197.72 feet (said curve having a chord bearing and distance of N 43°04'20" W, 197.59 feet and having a radius of 1550.00 feet) to a point on a non tangent curve; Thence Westerly along a non tangent 6.3310 degree segment of a curve to the right, 29.12 feet (said segment having a chord bearing and distance of N 71°07'27" W, 29.12 feet and having a radius of 905.00 feet); Thence S 01°47'43" E, along a non-tangent line, a distance of 409.59 feet to an existing 3/8" iron pin marking the Southeast corner of the NW1/4 of the SW1/4 of Section 20; Thence S 89°38'27" W, along the South line of the NW1/4 of the SW1/4 of Section 20, a distance of 1301.41 feet to the New Point of Beginning; Subject to all easements and restrictions of record.

Except:



A tract of land situated in the part of the SW1/4 of the SW1/4 of Section 17, the SE1/4 of the SE1/4 of Section 18, the NE1/4 of the NE1/4 of Section 19 and the NW1/4 of the NW1/4 of Section 20, all in Township 23 North, Range 21 West, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing sand stone marking the Southwest corner of the NW1/4 of said Section 20; Thence N 00°01'12" W, along the West line of the NW1/4 of Section 20, a distance of 1850.40 feet, to the Point of Beginning; Thence N 26°31'24" W, a distance of 67.47 feet; Thence Northwesterly along a 5.9068 degree curve to the left, 204.10 feet (said curve having a radius of 970.00 feet), to a point of reverse curvature; Thence Northwesterly along a 12.0742 degree curve to the right, 211.67 feet (said curve having a radius of 474.53 feet); Thence S 76°58'41" W, along a non-tangent line, a distance of 191.51 feet; Thence N 00°17'46" E, a distance of 178.51 feet; Thence West, a distance of 337.89 feet; Thence N 00°17'46" E, a distance of 886.48 feet, to a point on a non-tangent curve; Thence Southeasterly along a non-tangent 7.6394 degree segment of a curve to the left, 382.89 feet (said segment having a chord bearing and distance of S 63°33'21" E, 378.75 feet and having a radius of 750.00 feet); Thence S 78°10'53" E, a distance of 765.58 feet; Thence Easterly along a 8.8147 degree curve to the right, 606.41 feet (said curve having a radius of 650.00 feet); Thence S 24°43'39" E, a distance of 605.31 feet; Thence S 65°16'21" W, a distance of 379.08 feet; Thence S 27°31'40" W, a distance of 613.09 feet, to a point on a non tangent curve; Thence Westerly along a non-tangent 11.9366 degree segment of a curve to the right, 395.67 feet (said segment having a chord bearing and distance of N 50°08'17" W, 384.56 feet and having a radius of 480.00 feet); Thence N 26°31'24" W, a distance of 282.17 feet, to the Point of Beginning; Containing 40.91 acres of land, more or less, Subject to all easements and restrictions of record.

Also, Except Pinnacle Lots 18-21 described as follows:

A tract of land situated in the W1/2 of the SE1/4 of Section 18, Township 23 North, Range 21 West, Taney County, Missouri, Being more particularly described as follows:

Beginning at an existing sand stone marking the quarter corner of Sections 19 and 20, Township 23, Range 21 West; Thence N 89°40'51" W, a distance of 1317.54 feet to an existing 1/2" iron pin marking the Southeast corner of the SW1/4 of the NE1/4 of Section 19; Thence N 89°56'22" W, a distance of 1319.32 feet to an existing 1/2" iron pin set by RLS 1258, marking the Southwest corner of the SW1/4 of the NE1/4 of Section 19; Thence N 00°04'36" W, along the West line of the W1/2 of the NE1/4 of Section 19, a distance of 2648.46 feet to an existing sand stone marking the Southwest corner of the W1/2 of the SE1/4 of Section 18; Thence S 89°54'30" E, along the South line of the W1/2 of the SE1/4 of Section 18, a distance of 450.04 feet; Thence N 00°05'59" E, a distance of 936.30 feet to the New Point of Beginning; Thence N 23°30'14" E, a distance of 434.83 feet to a point on a non-tangent curve; Thence Southeasterly along a non tangent 10.9135 degree segment of a curve to the left, 104.90 feet (said segment having a chord bearing and distance of S 70°49'39" E, 104.73 feet and having a radius of 525.00 feet); Thence S 76°33'07" E, a distance of 170.17 feet; Thence Easterly along a 37.8515 degree curve to the left, 54.57 feet (said curve having a radius of 151.37 feet) to a point of reverse curvature; Thence Easterly along a 58.6206 degree curve to the right, 141.09 feet (said curve having a radius of 97.74 feet) to a point of reverse curvature; Thence Southerly along a 4.5367 degree curve to the left, 211.39 feet (said curve having a radius of 1262.95 feet) to a point of reverse curvature; Thence Southeasterly along a 381.9719 degree curve to the right, 23.47 feet (said curve having a radius of 15.00 feet); Thence S 65°34'09" W, a distance of 17.62 feet; Thence Southwesterly along a 32.7404 degree curve to the left, 139.62 feet (said curve having a radius of 175.00 feet) to a point of reverse curvature; Thence Southerly along a 45.8366 degree curve to the right, 221.42 feet (said curve having a radius of 125.00 feet); Thence N 58°39'08" W, a distance of 81.06 feet; Thence Northwesterly along a 25.4648 degree curve to the left, 139.26 feet (said curve having a radius of 225.00 feet) to a point of reverse curvature; Thence Westerly along a 32.7404 degree curve to the right, 126.20 feet (said curve having a radius of 175.00 feet) to a point of reverse curve; Thence Northwesterly along a 15.8644 degree curve to the left 58.83 feet (said curve having a radius of 361.16 feet) to the New Point of Beginning; Containing 5.55 acres of land, more or less, Together with and subject to all easements and restrictions of record.

Also, Except:

A tract of land situated in the SW1/4 of the SE1/4 of Section 18, Township 23 North, Range 21 West, Taney County, Missouri, Being more particularly described as follows:

Beginning at an existing sand stone marking the quarter corner of Sections 19 and 20 of Township 23 North, Range 21 West; Thence N 89°40'51" W, a distance of 1317.54 feet to and existing 1/2" iron pin marking the Southwest corner of the E1/2 of the NE1/4 of Section 19; Thence N 00°00'10" E, along the West line of the E1/2 of the NE1/4 of Section 19, a distance of 2647.74 feet to an existing 5/8" iron pin marking the Southeast corner of the SW1/4 of the SE1/4 of Section 18 for a New Point of Beginning; Thence N 89°54'30" W, along the South line of the SW1/4 of the SE1/4, a distance of 467.11 feet; Thence N 16°29'08" W, a distance of 33.78 feet to an existing 5/8" iron pin set by 1918; Thence N 16°45'19" W, a distance of 43.68 feet to an existing 5/8" iron pin set by 1918; Thence N 22°49'03" W, a distance of 29.10 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 37°20'38" W, a distance of 32.35 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 35°02'47" W, a distance of 27.54 feet to an 5/8" iron pin set by RLS 1918; Thence N 51°42'51" E, a distance of 230.82 feet to an existing 5/8" iron pin set by RLS 1918; Thence N 00°08'20" E, a distance of 198.72 feet to a point on a non-tangent curve; Thence Easterly along a non-tangent 114.5916 degree segment of a curve to the left, 55.20 feet (said segment having a chord bearing and distance of N 58°24'55" E, 52.44 feet and having a radius of 50.00 feet); Thence S 89°30'25" E, a distance of 313.82 feet to a point on the East line of the SW1/4 of the SE1/4 of Section 18; Thence S 00°27'26" W, along the East line of the SW1/4 of the SE1/4, a distance of 516.58 feet to the New Point of Beginning; Containing 5.00 acres of land, more or less, Together with and subject to all easements and restrictions of record.

Also, Except Parcel W:

A tract of land situated in the E1/2 of the NE1/4 of Section 19 and the W1/2 of the NW1/4 of Section 20, Township 23 North, Range 21 West, Taney County, Missouri, Being more particularly described as follows:

Beginning at an existing sand stone marking the quarter corner of Sections 19 and 20; Thence N 00°01'12"W, along the West line of the NW1/4 of Section 20, a distance of 709.89 feet to a point on the Southerly boundary of the exception for a New Point of Beginning; Thence N 45°52'05" W, a distance of 47.93 feet; Thence N 09°27'44" W, a distance of 151.65 feet; Thence N 36°11'09" W, a distance of 711.64 feet; Thence N 30°57'50" E, a distance of 402.48 feet; Thence N 55°58'50" W, a distance of 242.62 feet; Thence N 11°11'09" E, a distance of 285.68 feet; Thence N 76°58'41" E, a distance of 191.51 feet; to a point on a non-tangent curve; Thence Southerly along a non-tangent 12.0742 degree segment of a curve to the left, 211.67 feet (said segment having a chord bearing and distance of S 25°48'02" E, 209.92 feet and having a radius of 474.53 feet) to a point of reverse curvature; Thence Southeasterly along a 5.9068 degree curve to the right, 204.10 feet (said curve having a radius of 970.00 feet); Thence S 26°31'24" E, a distance of 349.64 feet; Thence Southeasterly along a 11.9366 degree curve to the left, 652.99 feet (said curve having a radius of 480.00 feet) to a point of reverse curvature; Thence Easterly along a 13.6419 degree curve to the right, 251.88 feet (said curve having a radius of 420.00 feet); Thence S 07°20'04" W, along a non-tangent line, a distance of 591.85 feet; Thence S 20°13'30" W, a distance of 462.17 feet; Thence S 78°41'24" W, a distance of 72.17 feet; Thence N 64°26'59" W, a distance of 426.58 feet; Thence N 45°52'05" W, a distance of 323.10 feet to the New Point of Beginning; Containing 29.20 acres of land, more or less, Together with and Subject to all easements and restrictions of record.

And, Except Parcel O, O-1, O-2, O-3, O-4:

A tract of land situated in the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of Section 19 and the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 20, Township 23 North, Range 21 West, Taney County, Missouri, Being more particularly described as follows:

Beginning at an existing sand stone marking the quarter corner of Sections 19 and 20; Thence N 00°01'12" W, along the NW1/4 of Section 20, a distance of 143.61 feet to a point on the Northerly boundary of parcel O for a New Point of Beginning; Thence S 82°27'38" E, a distance of 142.15 feet; Thence S 59°11'20" E, a distance of 302.55 feet; Thence S 01°41'06" E, a distance of 400.62 feet to a point on a non-tangent curve; Thence Westerly along a non-tangent 8.1271 degree segment of a curve to the left, 374.16 feet (said segment having a chord bearing and distance of S 81°51'18" W, 369.79 feet and having a radius of 705.00 feet) to a point of reverse curvature; Thence Southwesterly along a 8.2440 degree curve to the right, 746.75 feet (said curve having a radius of 695.00 feet); Thence N 51°47'15" W, a distance of 645.97 feet; Thence N 34°59'31" E, a distance of 181.16 feet; Thence S 64°29'45" E, a distance of 98.01 feet; Thence N 85°56'24" E, a distance of 776.95 feet; Thence S 82°27'38" E, a distance of 200.82 feet; to the New Point of Beginning; Containing 18.46 acres of land, more or less, Together with and subject to all easements and restrictions of record.

Description: 34.1-acre tract of land

A tract of land situated in the North Half (N1/2) of the Northeast Quarter (NE1/4) and the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 18, Township 23 North, Range 21 West of the fifth principal meridian, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing lime stone marking the Northwest corner of the NE1/4 of said Section 18; Thence South 00°10'57" West, along the west line of the NE1/4 of Section 18, a distance of 2151.00 feet to the Southwest corner of a Parcel described in Book 310, at Page 17 of the records of Taney County, Missouri for a Point of Beginning; Thence South 89°49'04" East a distance of 320.00 feet to the Southeast corner of said Book 310, at Page 17 of the records of Taney County, Missouri; Thence North 00°10'57" East along parallel with the west line of the NE1/4 of Section 18 and along the east line of Book 310, at Page 17, a distance of 1356.36 feet to a point on the south right-of-way line of Buchanan Road; Thence northeasterly along a segment of a non-tangent curve to the left, being the south right-of-way line of said Buchanan Road, and having an arc length of 61.31 feet, and a radius of 308.18 feet, (said segment having a chord bearing and distance of North 78°47'07" East, 61.21 feet); Thence South 00°10'57" West a distance of 204.83 feet; Thence South 89°49'04" East a distance of 158.76 feet; Thence North 64°44'46" East a distance of 406.67 feet; Thence North 89°41'26" East a distance of 872.53 feet; Thence South 47°12'10" East a distance of 617.06 feet; Thence North 84°14'12" East a distance of 405.27 feet to a point on the east line of the N1/2 of the NE1/4 of Section 18; Thence South 00°30'09" West, along the east line of the N1/2 of the NE1/4, a distance of 155.31 feet to an existing wagon tire iron marking the Southeast corner of the N1/2 of the NE1/4; Thence North 89°30'30" West a distance of 1314.29 feet to the Northeast corner of the SW1/4 of the NE1/4 of Section 18; Thence South 00°01'02" West, along the east line of the SW1/4 of the NE1/4 of Section 18, a distance of 353.73 feet; Thence South 89°48'44" West a distance of 951.62 feet; Thence South 00°10'57" West a distance of 790.65 feet; Thence South 33°34'23" East a distance of 222.25 feet to a point on the south line of the SW1/4 of the NE1/4 of said Section 18; Thence South 89°05'54" West, along the south line of the SW1/4 of the NE1/4 of said Section 18, a distance of 493.58 feet to the Southwest corner of the SW1/4 of the NE1/4 of Section 18; Thence North 00°10'57" East, along the west line of the SW1/4 of the NE1/4 of Section 18, a distance of 522.89 feet to the said Point of Beginning, Containing 34.01 acres of land, more or less, Subject to all easements and restrictions of record.

**Land area added to PD**  
**by**  
**Ordinance No. 2006-082**

A tract of land situated in the Southwest Q (SW1/4) of the Northeast Quarter (NE1/4) of Section 18, Township 23 North, Range 212 West of the fifth principal meridian, Taney County, Missouri, Being more particularly described as follows:

Commencing at an existing lime stone marking the Northwest corner of the NE1/4 of said Section 18; Thence South 00°10'57" West, along the west line of the NE1/4 of Section 18, a distance of 2,673.89 feet to the Southwest corner of said SW1/4 of the NE1/4 of Section 18; Thence North 89°05'54" East along the south line of the SW1/4 of the NE1/4, a distance of 493.58 feet to the Point of Beginning; Thence North 33°34'23" West a distance of 222.25 feet; Thence North 00°10'57" East a distance of 790.65 feet; Thence North 89°48'44" East a distance of 951.62 feet to a point on the east line of the SW1/4 of the NE1/4 of Section 18; Thence South 00°01'02" West a distance of 965.06 feet to an existing wagon tire iron marking the Southeast corner of the SW1/4 of the NE1/4; Thence South 89°05'54" West along the south line of the SW1/4 of the NE1/4, a distance of 831.04 feet to the said Point of Beginning, Containing 21.00 acres of land more or less.

**Land area Added  
By  
Ordinance 2006-083**

A part of the SW1/4 of the SE1/4 of Section 28, Township 23 North, Range 21 west, described as follows:

Commencing at an Existing Stone at the southwest corner of said SE1/4; thence South 89°54'08" East along the South line of said SE1/4 855.88 feet, to the POINT OF BEGINNING; thence North 16°06'43" West 34.37 feet; thence North 17°19'20" West 43.36 feet; thence North 22°16'24" West 29.19 feet; thence North 37°19'35" West 32.47 feet; thence North 35°18'57" West 27.73 feet; thence North 51°41'37" East 231.07 feet; thence North 00°05'52" East 198.74 feet; thence along a curve to the left having a radius of 50.00 feet, a delta of 062°55'56", an arc length of 54.92 feet and a chord which bears North 58°37'54" East 52.20 feet; thence South 89°32'13" East 313.90 feet to a point on the East line of said SW1/4 of the SE1/4; thence South 00°27'47" West along East line, 516.98 feet, to the Southeast corner of said SW1/4 of the SE1/4; thence North 89°54'08" West along the South line of said SE 1/4 466.96 feet to the point of beginning; containing 500 acres, more or less.

Together with a permanent easement for ingress and egress, said easement being located in W1/2 of the SE1/4 and the N1/2 of Lot 1 (NE1/4) of the SW1/4 of Section 16, Township 23 North, Range 21 West, described as follows:

Beginning at a point on the East R/W of Missouri State Highway No. 248 and on the South line of said N1/2 of Lot 1 (NE1/4) of the SW1/4, said point being South 89°50'17" West 697.76 feet from the Southeast corner of said N1/2 of Lot 1 (NE1/4) of the SW1/4; thence along R/W on a curve to the left having a radius of 1000.37, a delta of 005°02'02", an arc length of 87.89 feet, and a chord which bears North 05°53'18" East 91.04 feet; thence North 14°13'29" East 50.44 feet, thence North 19°04'36" East 36.10 feet; thence North 88°36'31" East 4.86 feet; thence North 01°42'24" West 11.27 feet; thence North 18°43'33" East 91.04 feet; thence North 14°13'29" East 93.48 feet; thence along a curve to the right having a radius of 369.98 feet, a delta of 026°40'20", an arc length of 158.89 feet, and a chord which bears North 31°05'28" East 157.66 feet; thence along a curve to the left having a radius of 1523.06 feet; a delta of 005°53'15", an arc length of 156.51 feet, and a chord which bears North 43°29'10" East 156.45 feet; thence along a curve to the right having a radius of 184.56 feet, a delta of 044°35'09", and arc length of 143.62 feet, and a chord which bears North 72°47'23" East 140.02 feet; thence South 83°12'52" East 30.69 feet; thence along a reverse curve to the right having a radius of 50.00 feet, a delta of 171°03'00", an arc length of 149.27 feet, and a chord which bears South 86°13'24" East 99.70 feet; thence along a curve to the left having a radius of 15.00 feet, a delta of 052°02'12", and arc length of 11362 feet, and a chord which bears South 26°42'30" East 13.16 feet; thence South 52°43'06" East 159.32 feet; thence along a curve to the right having a radius of 540.00, a delta of 004°58'03", and arc length of 46.82 feet and a chord which bears South 50°14'05" East; thence South 47°45'04" East 205.68 feet; thence along a curve to the left having a radius of 460.00 feet, a delta if



012°30'14", an arc length of 100.39 feet, and a chord which bears South 53°50'08" East 72.62 feet thence along a reverse curve to the left having a radius of 275.00 feet, a delta of 012°50'29", an arc length of 61.62 feet, and a chord which bears South 53°50'08" East 61.49 feet; thence South 60°15'18" East 145.81 feet; thence along a curve to the left having a radius of 475.00 feet, a delta of 016°17'49", an arc having a length of 135.11 feet, and a chord which bears South 68°24'12" East 134.65 feet; thence South 76°33'07" East 170.17 feet; thence along a curve to the left having a radius of 101.37 feet, a delta of 020°39'18", an arc length of 36.54 feet, and a chord which bears South 86°53'46" East 36.35 feet; thence along a reverse curve to the right having a radius of 147.47 feet, a delta of 082°42'36", an arc length of 213.27 feet, and a chord which bears South 55°51'07" East 195.23 feet; thence along a reverse curve to the left having a radius of 1212.95 feet, a delta of 009°56'01", and arc length of 210.30 feet, and a chord which bears South 19°27'50" East 210.03 feet thence; South 24°25'50" East 52.76 feet; thence along a curve to the right having a radius of 1110.06 feet, a delta of 000°14'10", an arc length of 4.58 feet, and a chord which bears South 25°05'11" East 4.58 feet; thence South 65°34'10" West 82.65 feet; thence along a curve to the left having a radius of 125.00 feet, a delta of 045°42'40", an arc length of 99.73 feet, and a chord which bears 42°42'49" West 97.10 feet; thence along a reverse curve to the right having a radius of 175.00 feet, a delta of 024°16'52", an arc length of 74.16 feet, and a chord which bears South 31°59'55" West 73.61 feet; thence along a reverse curve to the left having a radius of 15.00 feet, a delta of 072°40'36", an arc length of 19.03 feet, and a chord which bears South 07°48'03" West 17.78 feet; thence along a reverse curve to the right having a radius of 204.74 feet, a delta of 054°40'07", an arc length of 195.35 feet, and a chord which bears South 01°12'11" East 188.02 feet; thence along a reverse curve to the left having a radius of 15.00 feet, a delta of 051°01'33", an arc length of 13.36 feet, and a chord which bears South 00°27'06" East 12.92 feet; thence along a reverse curve to the right having a radius of 50.00 feet, a delta of 284°01'10", and arc length of 247.85 feet and a chord which bears North 62°53'05" West 61.85 feet; thence along a reverse curve to the left having a radius of 15.00 feet, a delta of 053°33'26", an arc length of 14.02 feet and a chord which bears North 58°20'47" East 13.52 feet; thence along a compound curve to the left having a radius of 454.71 feet, a delta of 059°35'05" and arc length of 160.92 feet and a chord which bears North 04°13'29" West 153.76 feet; thence North 34°01'02" West 42.50 feet; thence along a curve to the left having a radius of 125.00 feet, a delta of 047°39'42" an arc length of 103.98 feet, and a chord which bears North 43°41'20" East 101.01 feet; thence along a reverse curve to the right having a radius of 175.00 feet, a delta of 045°42'40", an arc length of 139.62 feet, and a chord which bears North 42°42'49" East 135.94 feet; thence North 65°34'10" East 17.62 feet; thence along a curve to the left having a radius of 15.00 feet, a delta of 089°39'22", an arc length of 23.47 feet, and a chord which bears North 20°44'28" East 21.15 feet; thence along a reverse curve to the right having a radius of 1262.95 feet, a delta of 009°36'24", an arc length of 211.39 feet, and a chord which bears North 19°17'31" West 211.04 feet; thence along a reverse curve to the left having a radius of 97.74 feet, a delta of 082°42'36", an arc length of 141.09 feet, and a chord which bears North 55°51'07" West 129.16 feet; thence along a reverse curve to the right having a radius of 151.37 feet, a delta of 020°39'18", an arc length of 54.57 feet, and a chord which bears North 86°52'46" West 54.27 feet; thence North 76°33'07" West 525.00 feet, a delta of 016°17'49", an arc length of 149.33 feet, and a chord which bears North 68°24'12" West 148.83 feet; thence North 60°15'18" West 145.81 feet; thence along a curve to the right having a radius of 325.00 feet, a delta of 012°50'19", an arc length of 72.82 feet, and a chord which bears North 53°50'08" West 72.67 feet; thence along a reverse curve of the left having a radius of 275.00 feet, a delta of 012°50'19", an arc length of 61.62 feet, and a chord which bears North 53°50'08" West 61.49 feet; thence North 60°15'18" West 144.26 feet; thence along a curve to the right having a radius of 510.00 feet, a delta of 012°30'14" and arc length of 111.30 feet, and a chord which bears North 54°00'11" West 111.05 feet; thence North 47°45'04" West 205.68 feet; thence along a curve to the left having a radius of 490.00 feet, a delta of 004°58'03", and arc length of 42.48 feet, and a chord which bears North 50°14'05" West 42.47 feet; thence North 52°43'06" West 159.32 feet; thence along a curve to the left having a radius of 15.00 feet, a delta of 052°01'12", and arc length of 13.32 feet and a chord which bears North 78°43'43" West 13.16 feet; thence along a reverse curve to the right having a radius of 50.00 feet a delta of 083°12'11", and arc length of 72.61 feet, and a chord which bears North 36°08'13" West 66.39 feet; thence North 83°12'52" West 36.28 feet, thence along a curve to the left having a radius of 159.56 feet, a delta of 043°42'25", an arc length of 121.72 feet, and a chord which bears South 73°06'03" West 118.79 feet; thence along a curve to the right having a radius of 1548.18 feet, a delta of 005°46'44", an arc length of 156.15 feet, and a chord which bears South 43°30'56"

West 156.08 feet; thence along a curve to the left having a radius of 343.98 feet, a delta of 024°24'13", and arc length of 146.51 feet, and a chord which bears South 91°07'07" West 145.41 feet; thence South 14°13'29" West 93.53 feet; thence South 19°04'36" West 138.71 feet; thence South 11°09'53" West 70.39 feet; thence South 09°48'56" West 62.15 feet to a point on the south line of said N1/2 of Lot 1 (NE1/4) of the SW1/4; thence South 89°50'17" West along South line 18.75 feet to the point of beginning; containing 3.37 acres, more or less.

**Land area Added  
By  
Ordinance 2006-084**

A tract of land situated in the NE1/4 of the NE1/4 of Section 17, Township 23 North, Range 21, West, Taney County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of said NE1/4 of the NE1/4; thence South 01°22'03" West along the West line of said NE1/4 of the NE1/4, 289.08 feet, to a point on the Southerly R/W of Relocated Buchanan road for a point of Beginning; thence South 65°33'25" East along Southerly R/W 512.33 feet; thence Southeasterly along Southerly R/W on a 15.4853° curve to the right 158.33 feet (said curve having a chord bearing and distance South 53°17'49" East 157.14 feet and a radius of 370.00 feet) thence South 41°11'06" East along Southerly R/W 87.39 feet; thence Easterly along Southerly R/W on a 24.9101° curve to the left 117.79 feet (said curve having a chord bearing and distance of South 57°49'50" east 116.51 feet and a radius of 230.01 feet); thence South 72°30'51" East along Southerly R/W 78.96 feet to a point on the Westerly R/W line of Southwest Outer Road MSHD #65; thence Southerly along Westerly R/W on a non-tangent 4.8111° segment of a curve to the left 133.64 feet (said segment having a chord bearing and distance of South 11°55'07" West 113.57 feet and a radius of 1190.92 feet); thence North 78°53'49" (Record = 78°12'22") West 821.95 (Record = 831.89) feet to a point on the West line of said NE1/4 of the NE1/4; thence North 01°22'03" East along West line 429.98 feet to the point of beginning; containing 5.69 acres, more or less.

**McLaughlin Legal  
Land area added by Ordinance No. 2010-002**

**TRACT 1:**

All of Tract 1, of the replat of McLAUGHLIN SUBDIVISION, as per the recorded plat thereof, Plat Book/Slide C, Page(s) 426, of the Taney County Recorder's Office, Taney County, Missouri.

**TRACT 2:**

All that part of then SE1/4 of the SE1/4 of Section 17, Township 23, Range 21, described as follows: Beginning at a point on the South line of said SE1/4 of the SE1/4, said point being North 89°42' West, 151.31 feet from the Southeast corner of said SE1/4 of the SE1/4 and being on the Westerly right-of-way line of new highway No. 65; thence North 89°42' West, 1160.79 feet to the Southwest corner of said SE1/4 of the SE1/4; thence North 0°01' West, 500 feet; thence South 89°42' East, 496.36 feet; thence North 45° 00' East, 554.05 feet; thence South 52°26' East, 161.75 feet; thence East 73.44 feet; thence North 78°50' East, 108.16 feet to a point on aforesaid Westerly right-of-way line; thence South 16°16' West along right-of-way line 1146.16 feet; thence South 0°26' East along said right-of-way line 678.36 feet to the point of beginning;

EXCEPT: the following described tract of land: a part of the SE1/4 of the SE1/4 of Section 17, Township 23 North, Range 21 West, more particularly described as follows: Commencing at the Southeast corner of said Section 17; thence North 88°32'00" West along the South line of said SE1/4 of the SE1/4 151.37 feet (150.97 feet measured) to the West R/W of M.S.H.D. No. 65 for a POINT OF BEGINNING; thence continuing North 88°32'00" West along said South line 450.00 feet; thence North 0°44'32" East 635.30 feet; thence North 45°31'12" East 20.45 feet; thence South 88°32'00" East 435.59 feet to said West R/W; thence South 0°44'32"



West along said West R/W 650.00 feet to the point of beginning; said exception containing 6.71 acres, more or less.

ALSO EXCEPT the following described tract of land: a part of the SE1/4 of the SE1/4 of Section 17, Township 23 North, Range 21 West, Taney County, Missouri, more particularly described as follows: beginning at the Southwest corner of said SE1/4 of the SE1/4; thence North 1°24'36" East along the West line of said SE1/4 of the SE1/4, 306.31 feet; thence South 88°29'34" East 709.49 feet; thence South 0°49'15" West 306.33 feet to the South line of said SE1/4 of the SE1/4; thence North 88°29'34" West along said South line 712.63 feet to the point of beginning, said exception containing five acres more or less.

TOGETHER WITH a 50 foot Ingress and Egress Easement, being 25.00 feet on either side of the following described centerline: Commencing as the Southeast corner Section 17, Township 23 North, Range 21 West, thence North 88°32'00" West along the South line of said Section 17, 151.32 feet (150.97 feet measured) to the West R/W of M.S.H.D. No 65; thence North 0°44'32" East along said West R/W 678.36 feet (678.60 feet measured); thence North 17°17'12" East along the Westerly R/W of said M.S.H.D. No. 65, 146.16 feet; thence South 79°51'12" West along the Southerly R/W of an existing public road 108.16 feet; thence North 88°58'48" West along Southerly R/W 73.44 feet; thence North 51°54'48" West along said Southerly R/W 33.90 feet to the Point of Beginning; thence Southerly along a 144.8513° curve to the left 41.42 feet (said curve having a chord bearing, a distance of South 29°59'51" West 40.28 feet and a radius of 39.55 feet); thence South 0°36'42" East 35.66 feet; thence along a 73.3193 curve to the right 111.14 feet (said curve having a radius of 78.15 feet); thence South 80°52'41" West 166.74 feet; thence along a 75.7276° curve to the left 147.41 feet (said curve having a radius of 75.66 feet); thence South 30°45'09" East 27.62 feet for a terminus, being the West line of the above described property; which easement shall run with the lands conveyed herein above and inure to benefit thereof;

TOGETHER WITH: a 15.00 foot easement for water line purposes, together with the right of access for installation, maintenance and upkeep thereof, being 7.5 feet on each side of the following described centerline: Commencing at the Southeast corner of Section 17, Township 23 North, Range 21 West; thence North 88°32'00" along the South line of said Section 17, 306.75 feet; thence North 1°28'00" East 201.01 feet for a POINT OF BEGINNING; thence North 89°28'58" West 5.00 feet to an existing water meter; thence continuing North 89°28'58" West 291.73 feet for a terminus, said point being the West line of the above described property and being North 0°44'32" East 193.95 feet from the South line of said Section 17.

DESCRIPTION BOOK 430, AT PAGES 2667-2670:

A portion of Tract two (2) in McLaughlin subdivision, situated in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Seventeen (17), Township twenty-three (23) North, Range twenty-one (21) West, Taney County, Missouri, as per the recorded Plat thereof, found in Plat Book 26, at Page 35, Taney County Recorder of Deeds Office, and being more particularly described as follows:

Commencing at an existing rebar at the Northwest corner of said tract two (2), being also the Northwest corner of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of section Seventeen (17); thence South 00 degrees 01 minutes 00 seconds East along the West line of said Southeast Quarter (SE1/4) of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), 210.00 feet to a set rebar at the Point of Beginning; thence continuing South 00 degrees 01 minutes 00 seconds East, 292.70 feet to a set rebar; thence leave said West line North 68 degrees 46 minutes 00 seconds East, 235.17 feet to a point on the westerly Right-of-Way line of a fifty (50.00) foot wide roadway; thence North 38 degrees 08 minutes 32 seconds West along said right-of-way line 108.65 feet to an existing rebar; thence along a segment of a Cul-de-Sac having a radius of 50.00 feet, a distance of 82.01 feet to a set rebar; thence, leave said right-of-way line North 34 degrees 12 minutes 07 seconds West, 10.00 feet to a set rebar; thence North 75 degrees 15 minutes 46 seconds West, 163.46 feet to the Point of Beginning.

DESCRIPTION BOOK 419, AT PAGE 3382-3384:

A part of Tract 2 and all of Tract 3 of McLaughlin subdivision as per the recorded plat thereof recorded in Plat Book/Slide C-428, Taney County Records Office, in the SE1/4 of the SE1/4 of Section 17, Township 23 North, Range 21 West being more particularly described as follows:

Beginning at the NW corner of said SE1/4 of the SE1/4 of Section 17, being also the NW corner of tract 2 of said McLaughlin subdivision, thence S 89°42'00" E along the North line of said Tract 2 and 3, 636.35 feet, thence, leave said North line S 47°44'00" W along the Southeasterly line of said Tract 3, 417.38 feet, thence S 61°38'00" W 119.00 feet to a point on a Cul-de-Sac, thence along said Cul-de-Sac along a segment of a curve left, having a tangent bearing of N 51°22'54" E, a radius of 50.00 feet, a distance of 152.58 feet; thence leave said Cul-de-Sac N 34°12'07" W, 10.00 feet, thence N 75°15'46" W 163.46 feet to the West line of said SE1/4 of the SE1/4, thence N 00°01'00" W, 210.00 feet to the point of beginning.



**LEGAL DESCRIPTION**  
**4.1 AC TRACT**

All of Tract 4A and all of Tract 4B as per the replat of Tract 4 of the replat of the McLaughlin Subdivision, Plat Book F-531, Subject to easements and restrictions of record, and including appurtenances and contract rights relating to the real estate.

**EXHIBIT "A" Continued**  
**6.5 Acre Legal**

Tract 1: A part of the NE1/4 of the NE1/4 of Section 20, Township 23 North, Range 21 West, described as follows: Commencing at the Southwest corner thereof; thence North 00° 13' 33" West 1323.17 feet to the Northwest corner thereof; thence South 89° 29' 26" East along the North line of said NE1/4 of the NE1/4, 297.20 feet, to the POINT OF BEGINNING; thence continuing South 89° 29' 26" East along North line 330.04 feet; to the Northeast corner of a tract of land originally described in Book 237, page 1169; thence South 00° 26' 00" East along the East line of said tract, 163.28 feet; thence South 89° 25' 28" West 330.00 feet to the Northwest corner of a tract of land originally described in Book 263, page 132; thence North 00° 20' 00" West 169.53 feet to the point of beginning; containing 1.26 acres, more or less.

Tract 2: A part of the NE1/4 of the NE1/4 of Section 20, Township 23 North, Range 21 West, described as follows: Beginning at a point that is North 89° 29' West 591.36 feet from the Northeast corner thereof; thence South 00° 26' East 133.28 feet; thence South 89° 34' West 90.00 feet; thence North 00° 26' West 134.77 feet; thence South 89° 29' East 90.01 feet to the point of beginning; containing 0.27 acres, more or less (Commonly known as Lot 16 of the unrecorded plat of Valley View Heights).

Tract 3: A part of the SE1/4 of the SE1/4 of Section 17, Township 23 North, Range 21 West, described as follows: Beginning at the Southwest corner thereof; thence North 01° 24' 36" East along the West line thereof, 306.31 feet; thence South 88° 29' 34" East 709.49 feet; thence South 00° 49' 15" West 306.33 feet to a point on the South line of said SE1/4 of the SE1/4; thence North 88° 29' 34" West along South line 712.63 feet to the point of beginning; containing 5 acres, more or less.

Together with a permanent ingress/egress easement, being a 20 foot wide strip lying 10 feet on each side of the following described centerline (c/l): A part of the SE1/4 of the SE1/4 of Section 17, Township 23 North, Range 21 West, described as follows: Commencing at the Southwest corner thereof; thence North 01° 24' 36" East along the West line thereof, 306.31 feet; thence South 88° 29' 34" East 699.49 feet to the POINT OF BEGINNING; thence North 00° 49' 15" East along c/l 380.46 feet; thence North 46° 14' 49" East along c/l 283.11 feet to the South line of a public road as shown on the Plat of County Park, a subdivision per the recorded plat thereof, Plat Book 8, page 26 of the Taney County Recorder's Office for the point of termination.

**DESCRIPTION OF ROAD RIGHT-OF-WAY TO BE VACATED:**

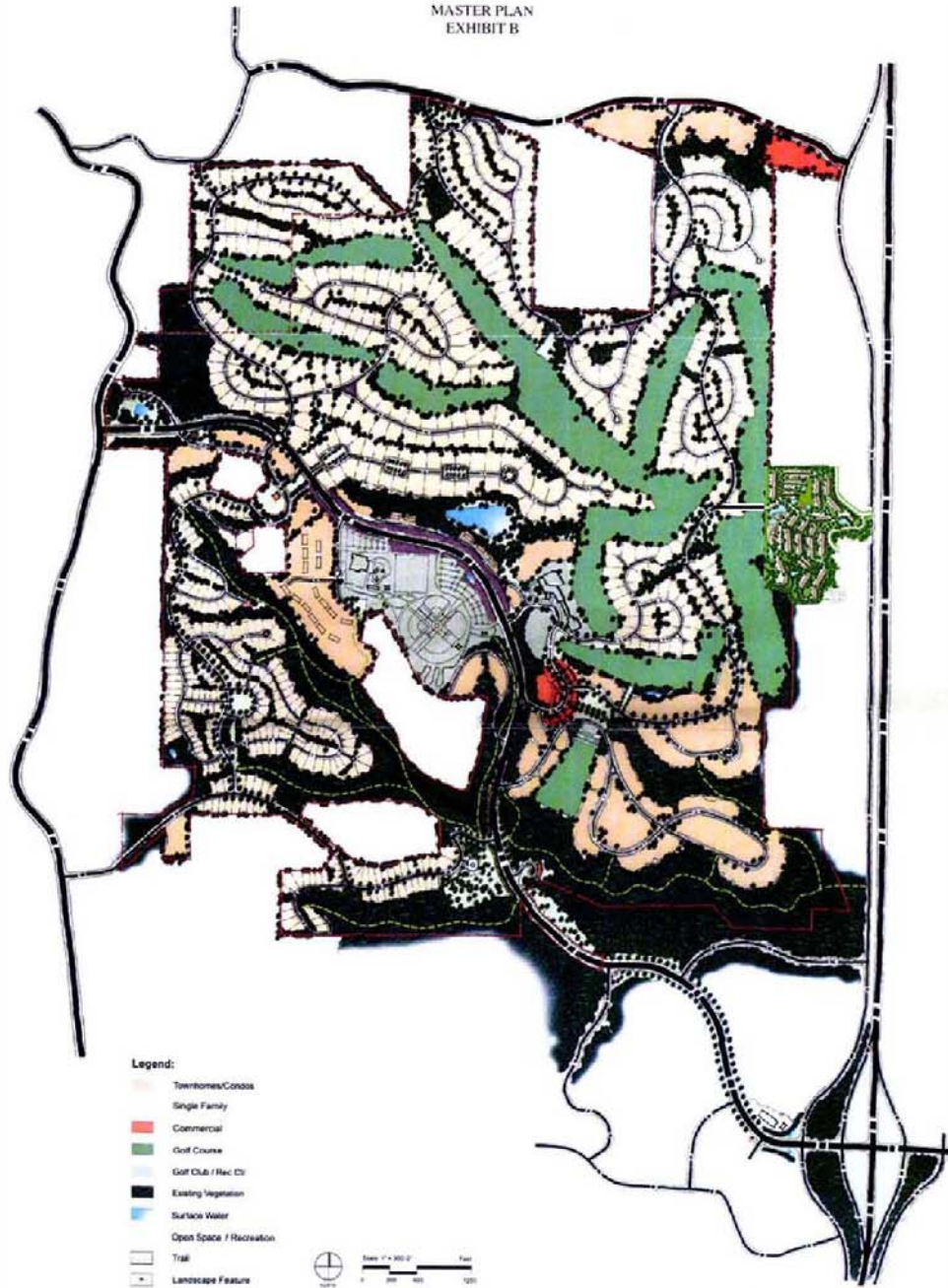
A 50 foot platted road right-of-way line being part of mclaughlin subdivision as per the recorded plat thereof, book 26, at page 35 and the replat of mclaughlin subdivision as per the recorded plat thereof, slide c, at page 426, taney county recorder's office, taney county, missouri; lying over and across a part of the se1/4 of the se1/4 of section 17, township 23 north, range 21 west, taney county, missouri; being more particularly described as follows: beginning at the northwest corner of tract 1 of the replat of mclaughlin subdivision; thence n 68°46'00" e, along the north line of tract 1 a distance of 235.17 feet, to a point on the platted 50 foot road right-of-way line for a new point of beginning; thence n 38°02'00" w, leaving said north line and along platted road right-of-way a distance of 108.55 feet, to a point on a cul-de-sac; thence along cul-de-sac along a 114.5916 degree curve to the right, 235.62 feet (said curve having a radius of 50.00 feet); thence s 38°02'00" e, a distance of 109.61 feet; thence southeasterly along a 38.1972 degree curve to the left, 136.05 feet (said curve having a radius of 150.00 feet); thence n 90°00'00" e, a distance of 542.90 feet; thence s 52°56'00" e, a distance of 82.95 feet; thence s 90°00'00" w, a distance of 609.09 feet; thence northwesterly along a 28.6479 degree curve to the right, 181.40 feet (said curve having a radius of 200.00 feet); thence n 38°02'00" w, a distance of 51.06 feet, to the new point of beginning, containing 1.16 acres of land, more or less, subject to all easements and restrictions of record, if any.





# MAP EXHIBITS

MASTER PLAN  
EXHIBIT B



Branson Hills

BRANSON, MISSOURI

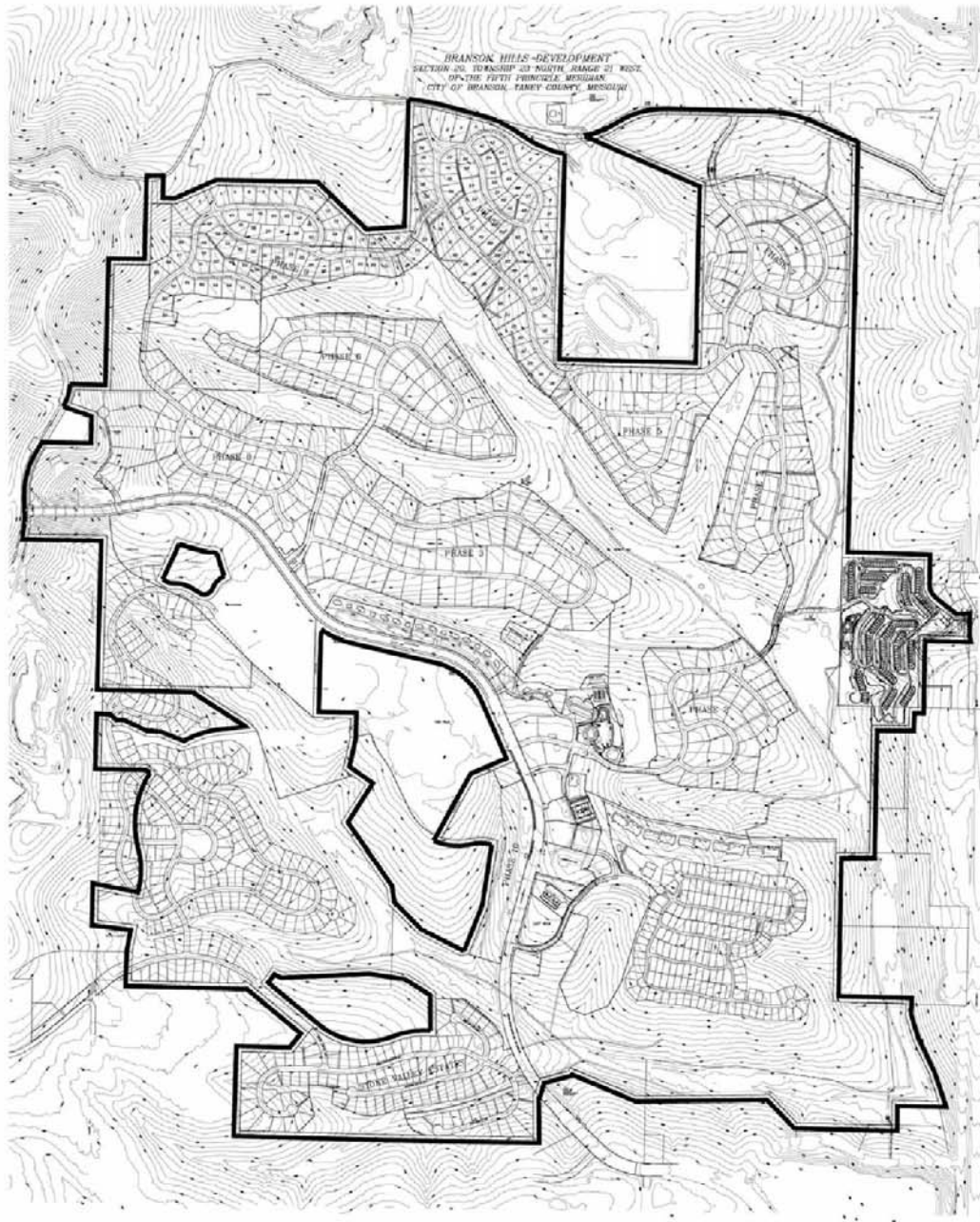
MASTER PLAN

LEDAU

AUGUST 2008

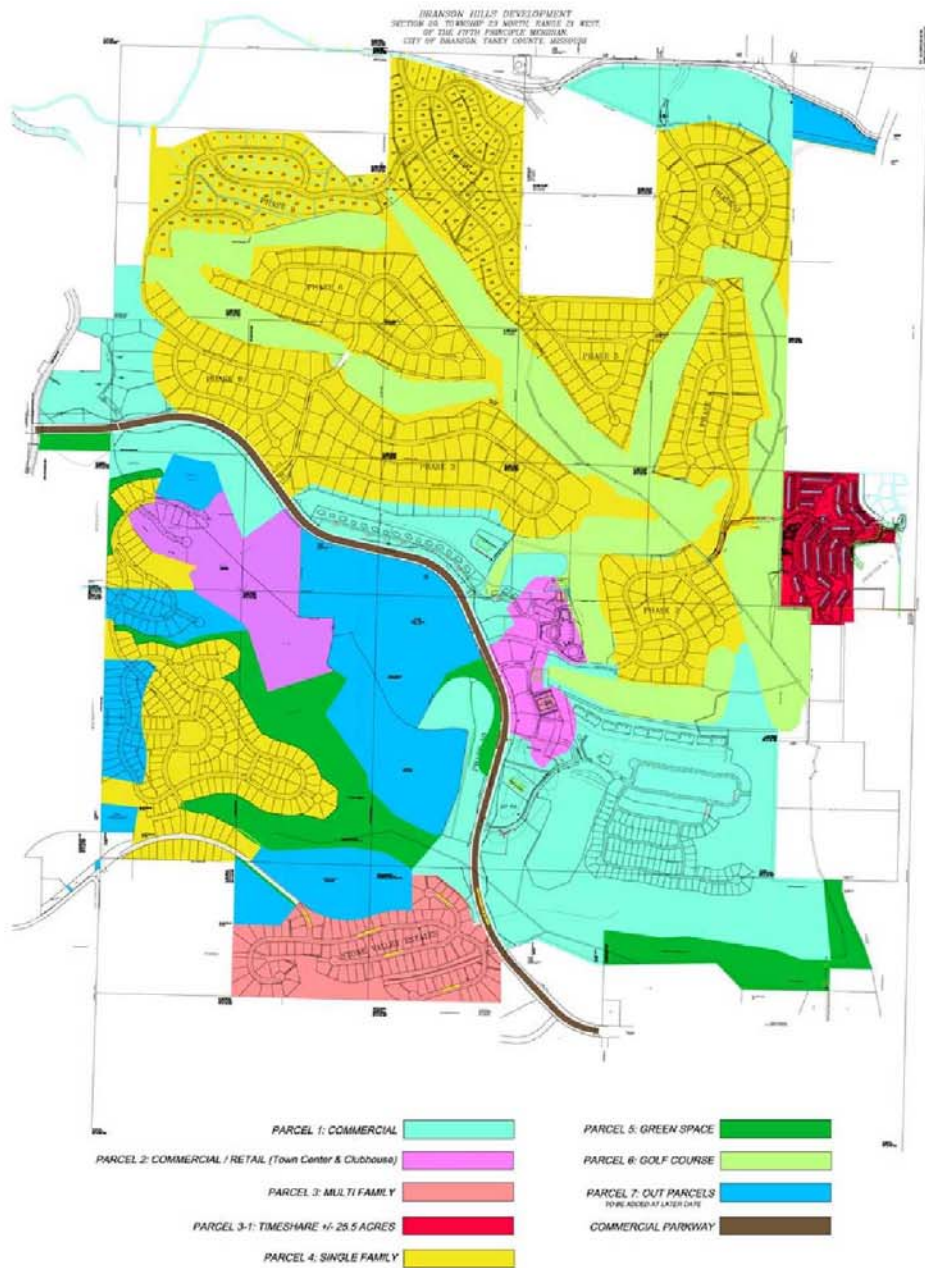


TOPO MAP  
EXHIBIT C

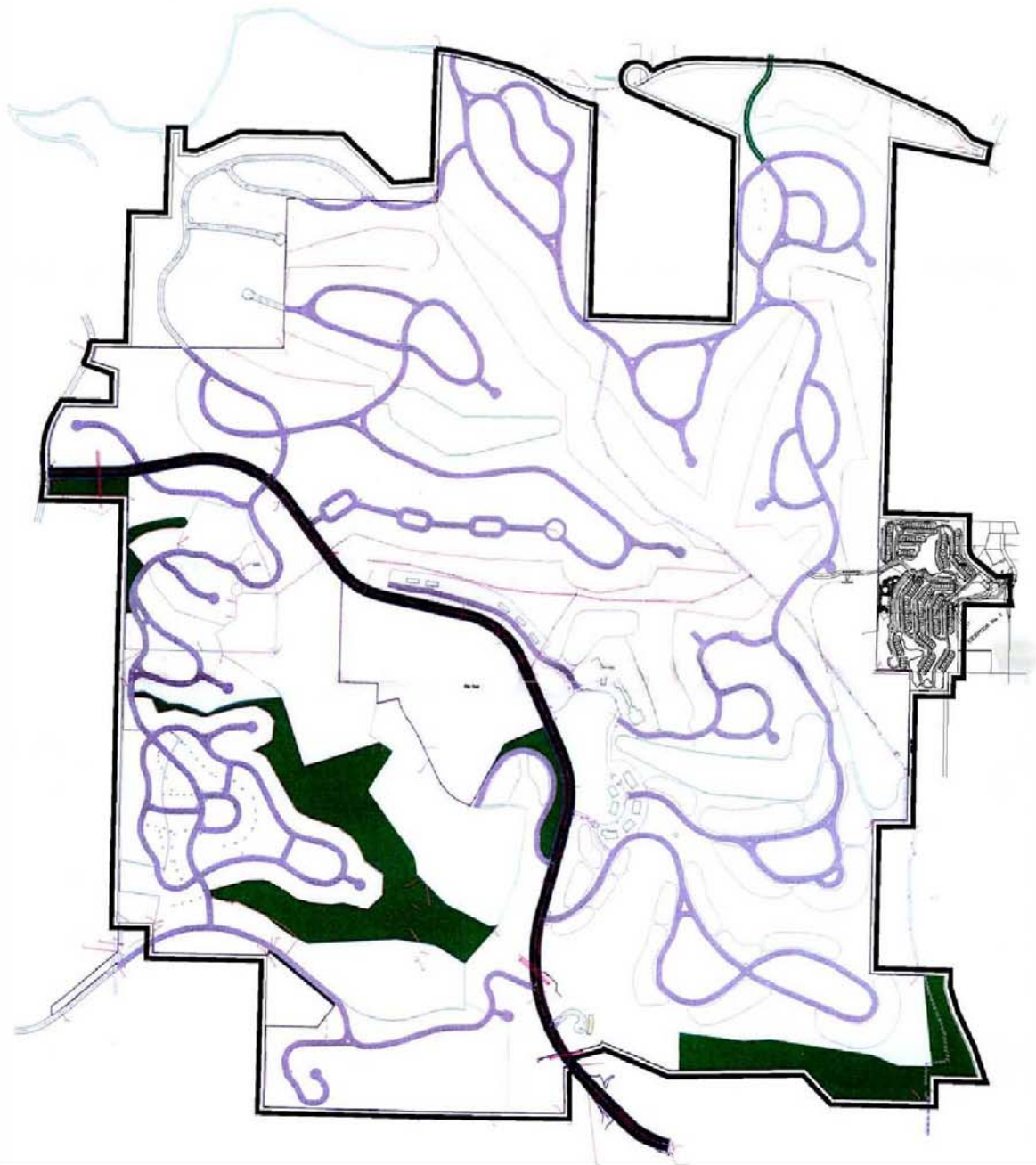


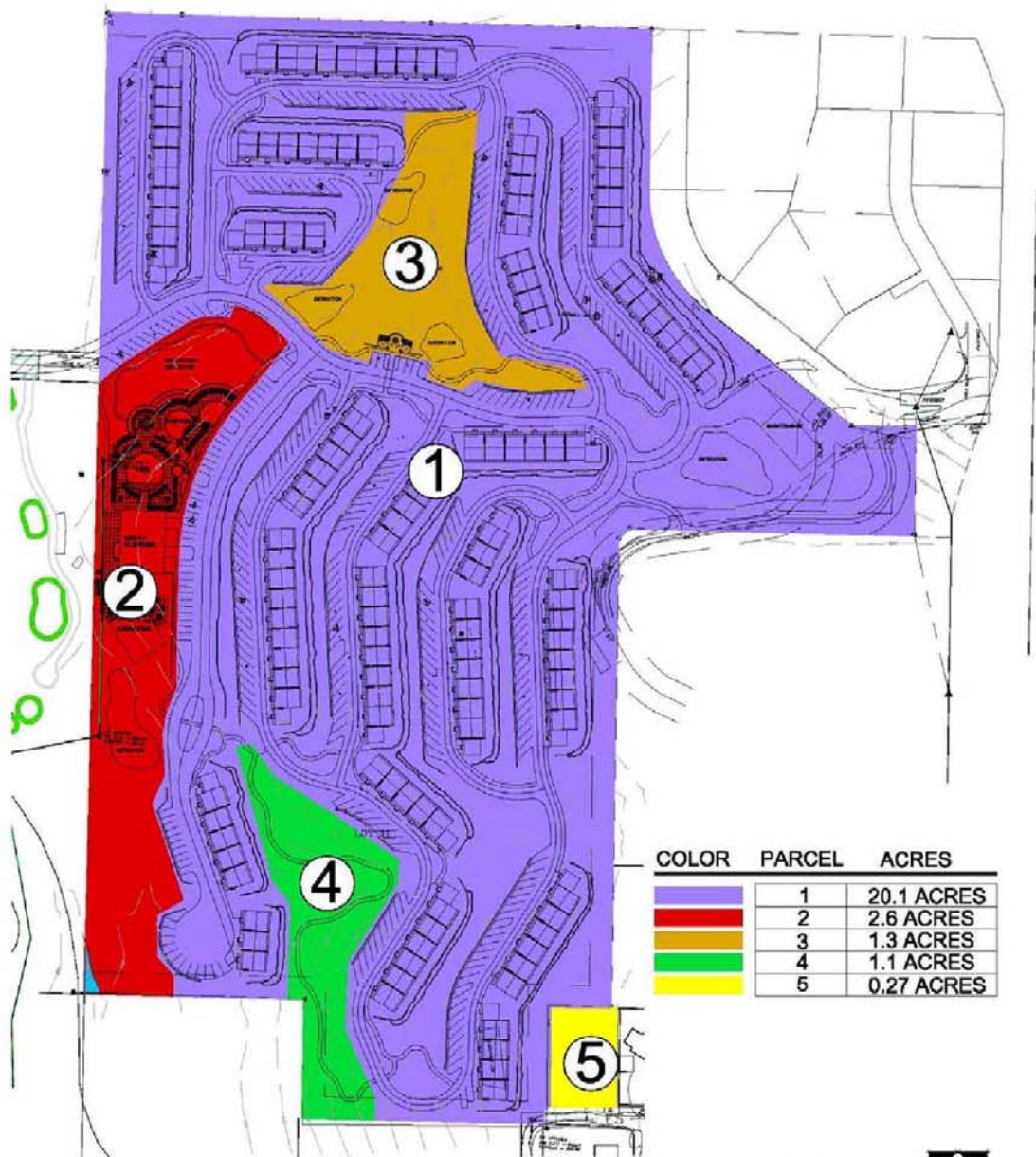


# GENERAL LAND USE MAP EXHIBIT D



UNDISTURBED LAND MAP  
EXHIBIT E





NOT TO SCALE -  
FOR REPRESENTATIONAL  
PURPOSES ONLY



EXHIBIT  
**F**

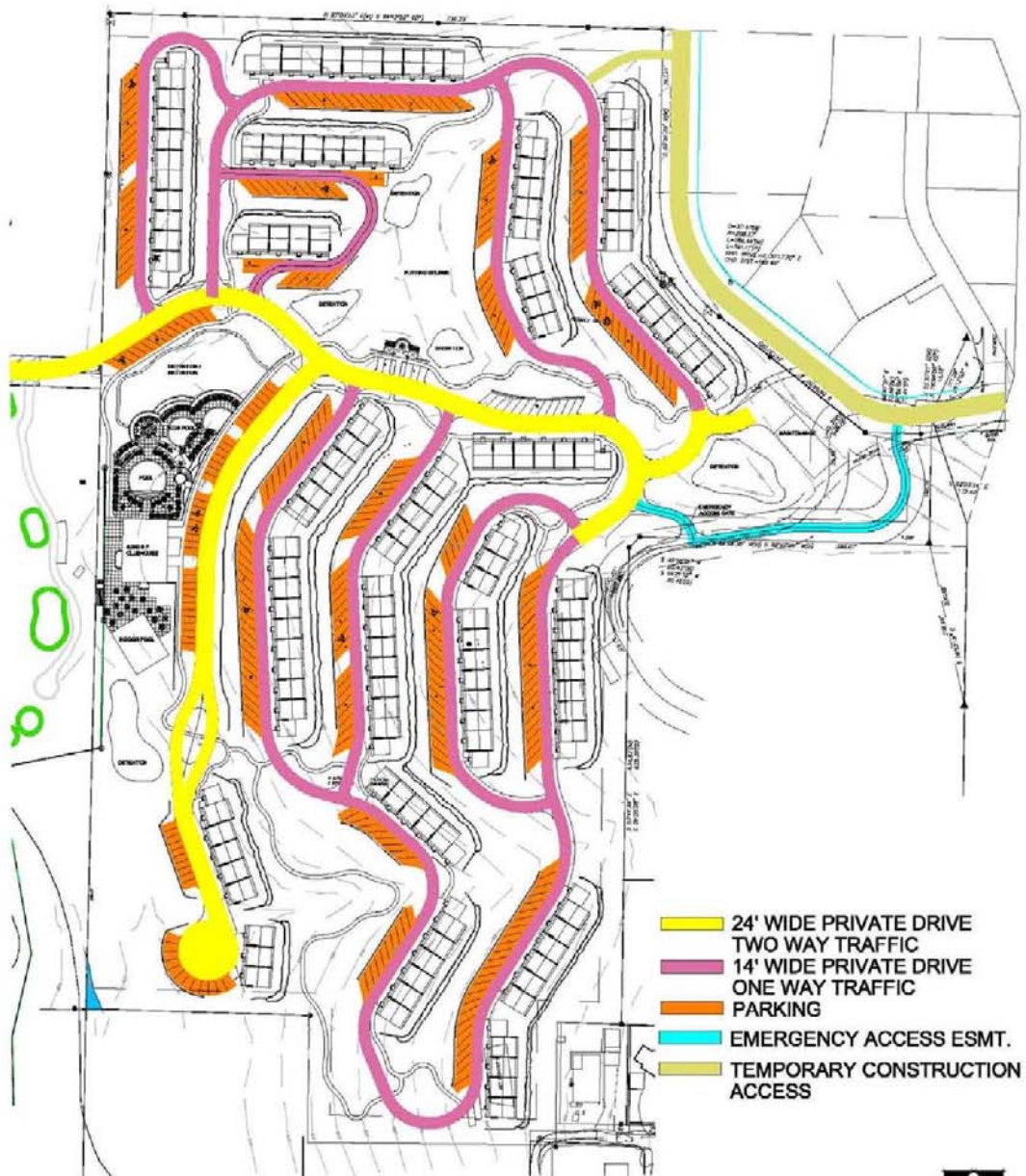
3-1 SUB PARCEL MAP

**SAINT ANDREWS**



VANDERBILT UNIVERSITY GROUP  
MEMPHIS, TN 38153  
404-521-1000





NOT TO SCALE -  
FOR REPRESENTATIONAL  
PURPOSES ONLY



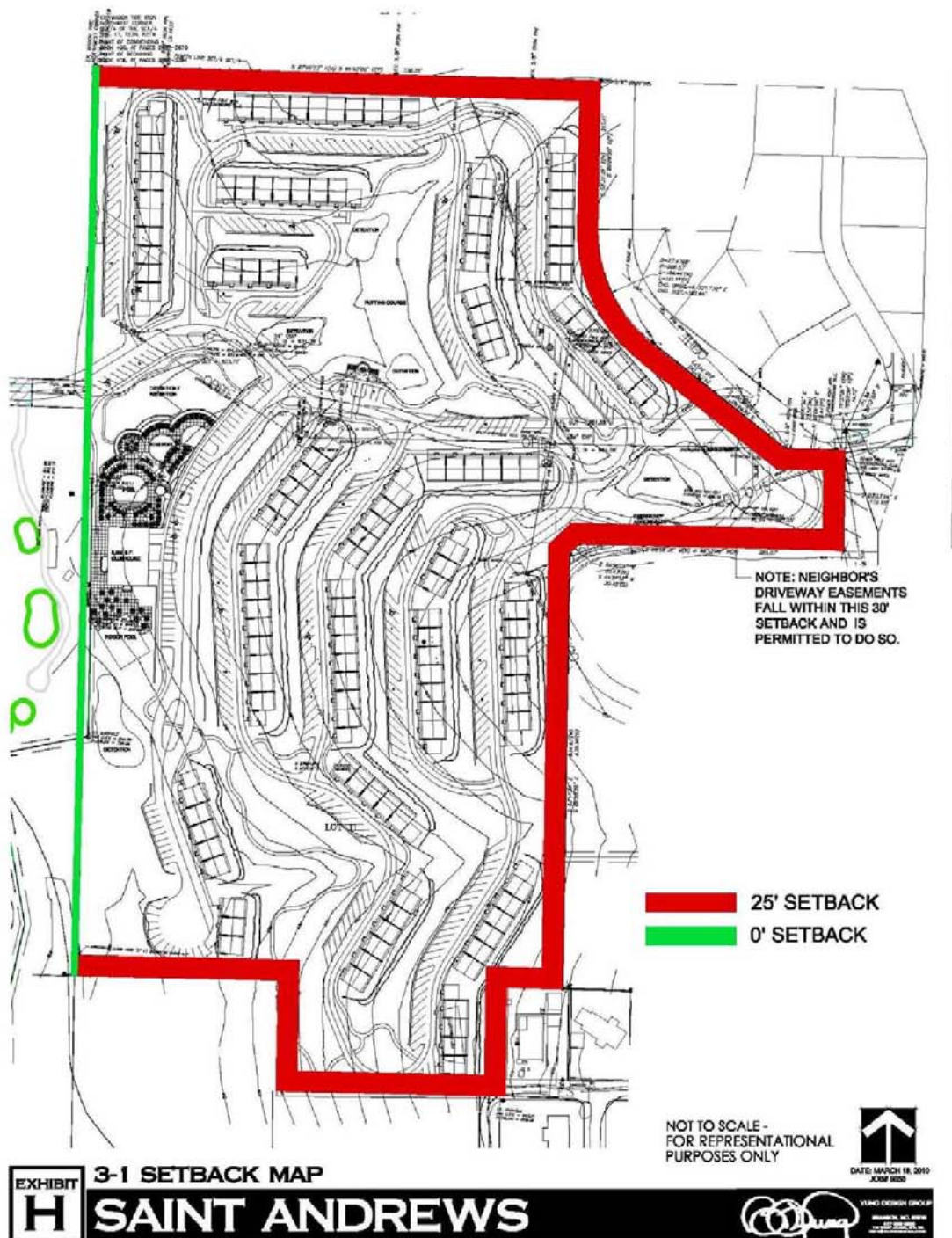
DATE: MARCH 18, 2010  
JRM/BJD

**EXHIBIT**  
**G**

**3-1 STREET AND PARKING MAP**  
**SAINT ANDREWS**



VANDERBILT GROUP  
MEMPHIS, TN 38103  
404.521.1000  
www.vanderbiltgroup.com





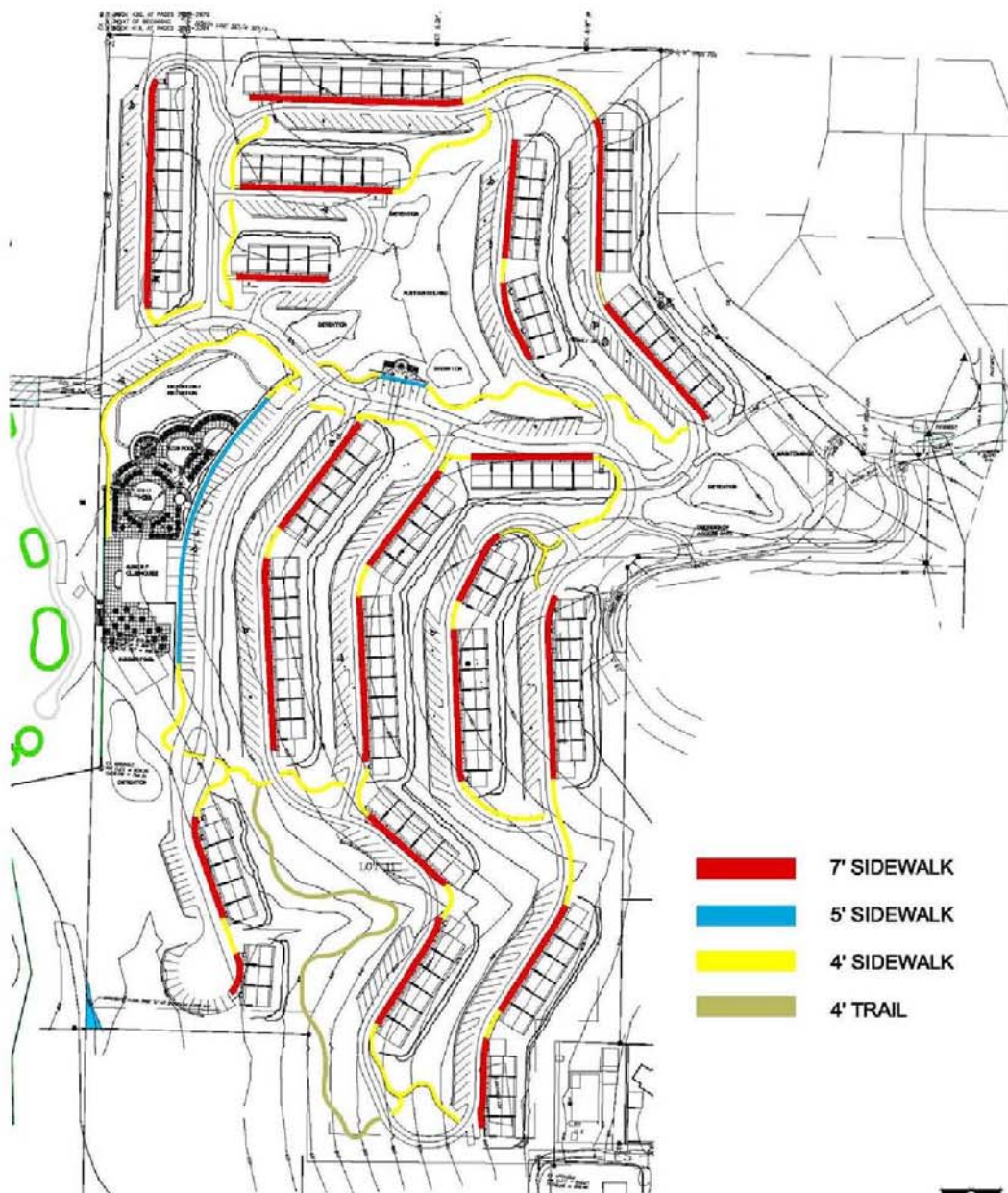


**EXHIBIT I** **3-1 BUILDING HEIGHT MAP**  
**SAINT ANDREWS**

NOT TO SCALE -  
 FOR REPRESENTATIONAL  
 PURPOSES ONLY







NOT TO SCALE -  
FOR REPRESENTATIONAL  
PURPOSES ONLY



DATE: MARCH 18, 2010  
JCMF 8000

EXHIBIT  
**J**

3-1 SIDEWALK AND TRAIL PLAN

**SAINT ANDREWS**



YANO DESIGN GROUP  
BIRMINGHAM, AL 35202  
TEL: 205.988.1111  
WWW.YANODESIGN.COM



 STREET TREES

NOT TO SCALE -  
FOR REPRESENTATIONAL  
PURPOSES ONLY



EXHIBIT  
**K**

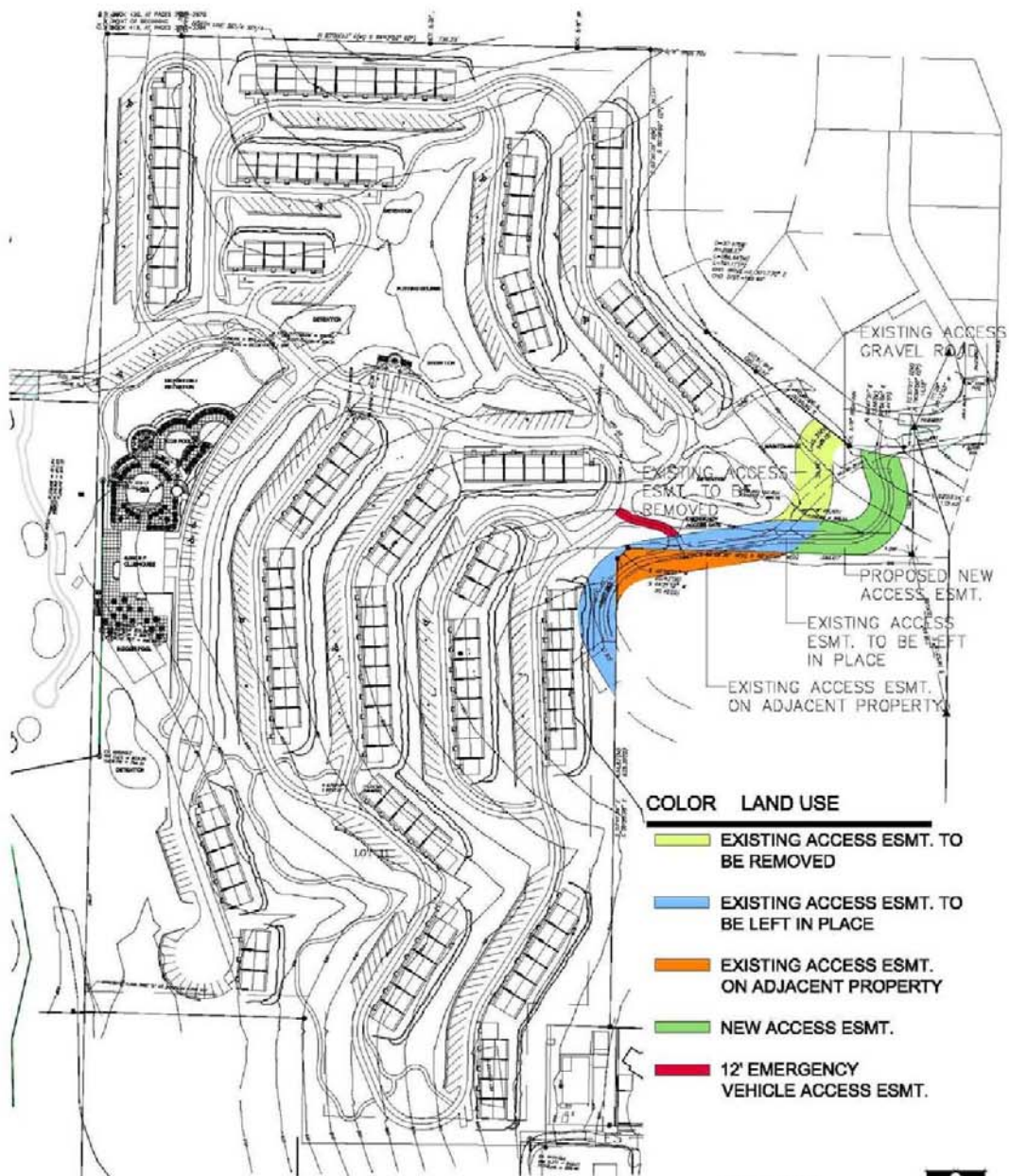
3-1 STREET TREE PLAN

**SAINT ANDREWS**



YANO DESIGN GROUP  
BETHESDA, MD 20814  
TEL: 301.261.1000  
WWW.YANODESIGN.COM





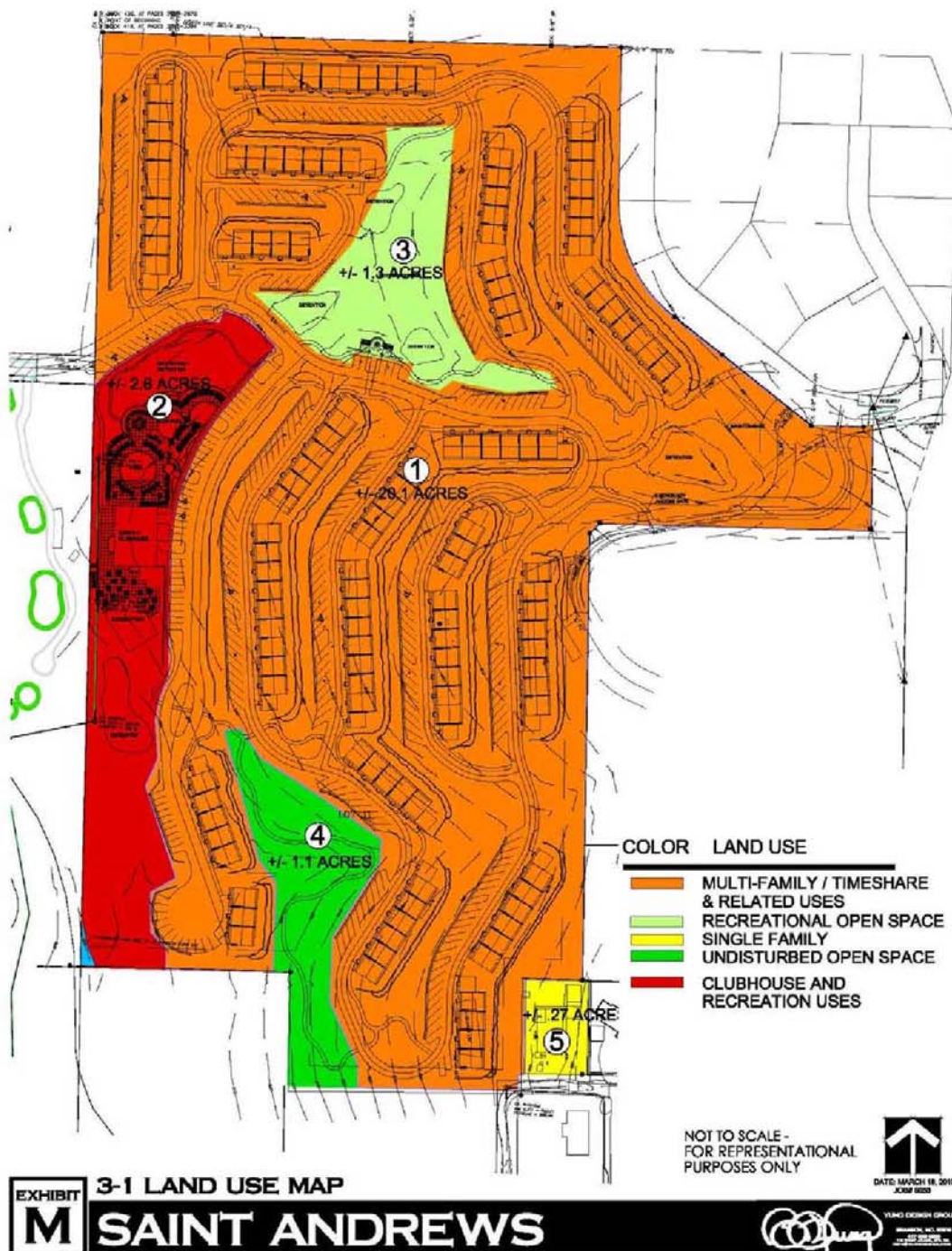
- COLOR LAND USE**
- EXISTING ACCESS ESMT. TO BE REMOVED
  - EXISTING ACCESS ESMT. TO BE LEFT IN PLACE
  - EXISTING ACCESS ESMT. ON ADJACENT PROPERTY
  - NEW ACCESS ESMT.
  - 12' EMERGENCY VEHICLE ACCESS ESMT.

NOT TO SCALE -  
 FOR REPRESENTATIONAL  
 PURPOSES ONLY

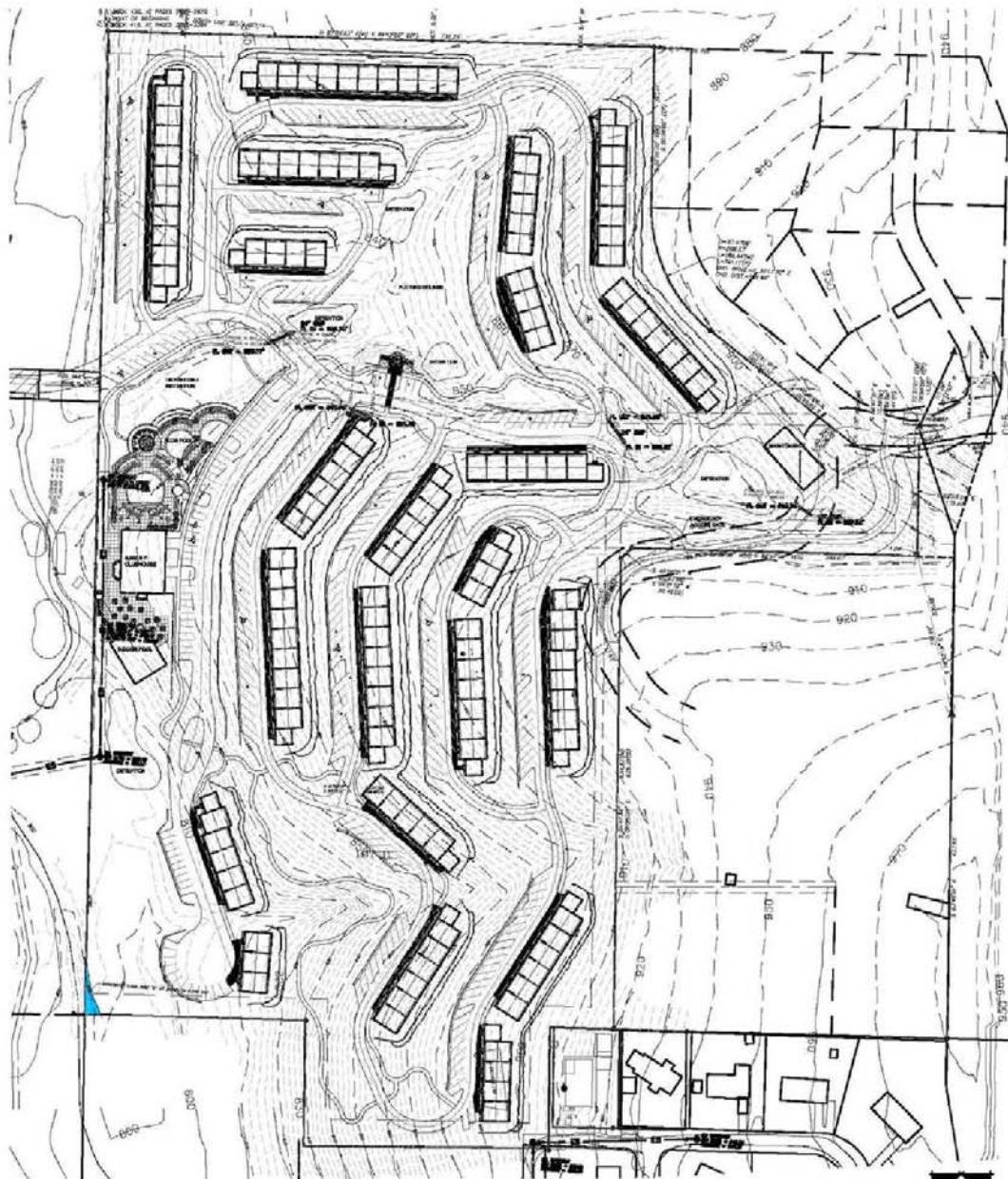


**EXHIBIT L 3-1 PRIVATE DRIVE ESMT MAP**  
**SAINT ANDREWS**









NOT TO SCALE -  
FOR REPRESENTATIONAL  
PURPOSES ONLY



DATE: MARCH 18, 2010  
JRM/BJD

EXHIBIT  
**N**

3-1 MASTER PLAN

**SAINT ANDREWS**



YOUNG & RUBICAM GROUP  
BETHESDA, MD 20814  
TEL: 301.278.1000  
WWW.YOUNG-RUBICAM.COM







**Exhibit-P - Typical Streetscape Parcel C-1**



**Exhibit-Q - Clubhouse Rear Elevation – Parcel C-1**



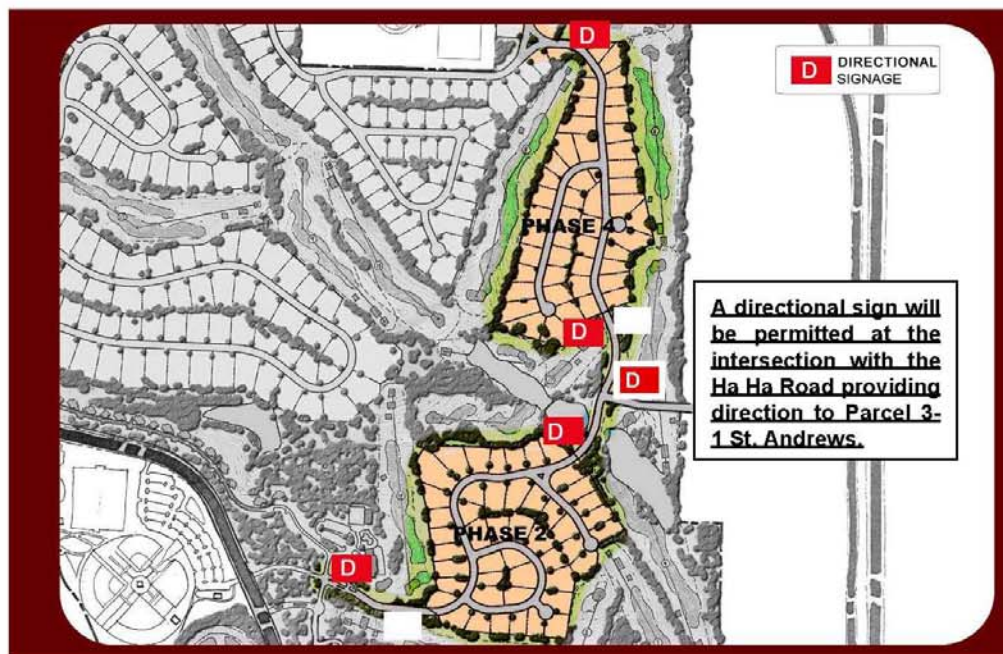


**Exhibit- R - Townhouse Building Front Elevation – Parcel C-1**



**Exhibit-S - Townhouse Building Rear Elevation – Parcel C-1**

## SIGN REGULATIONS – GRAPHICS





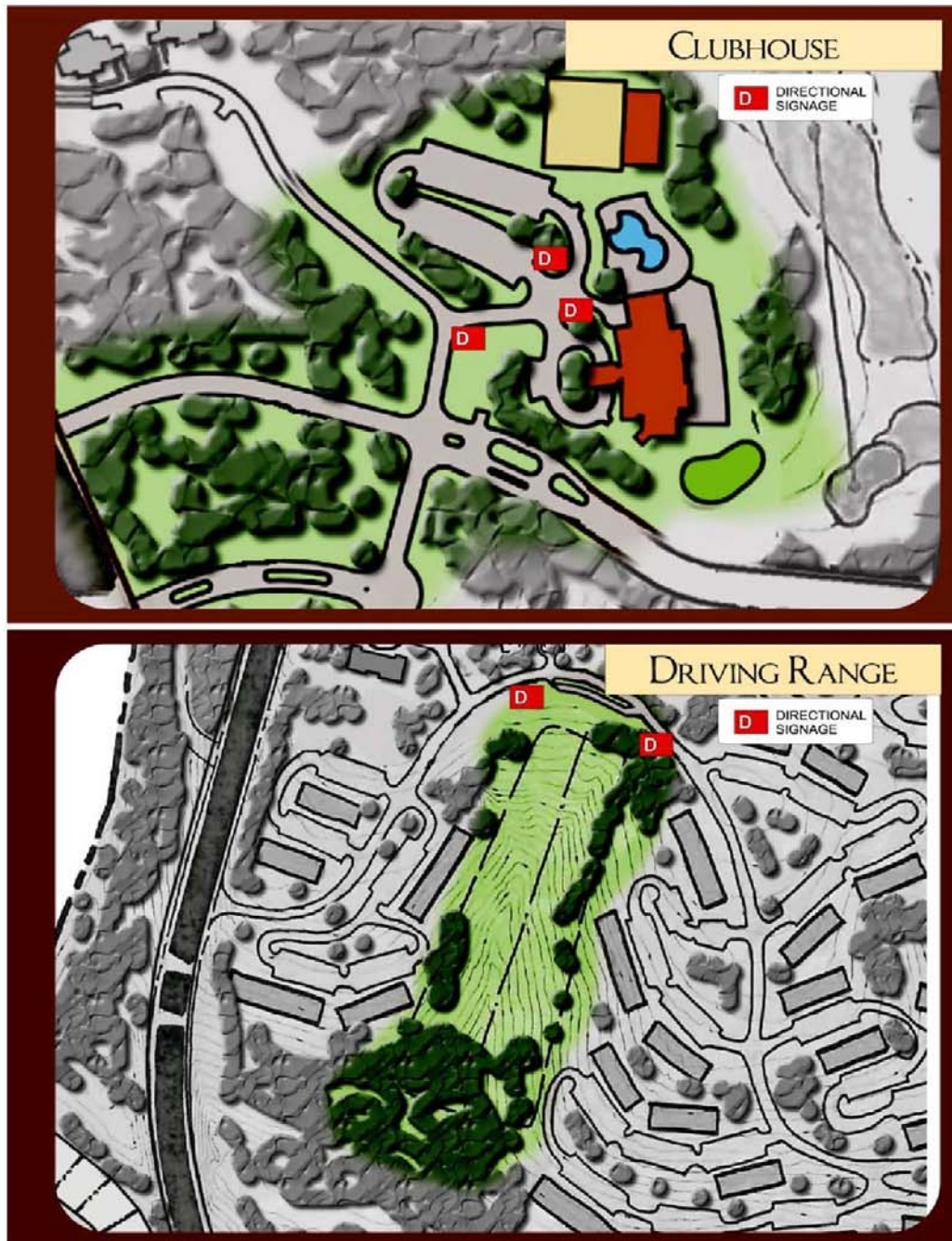


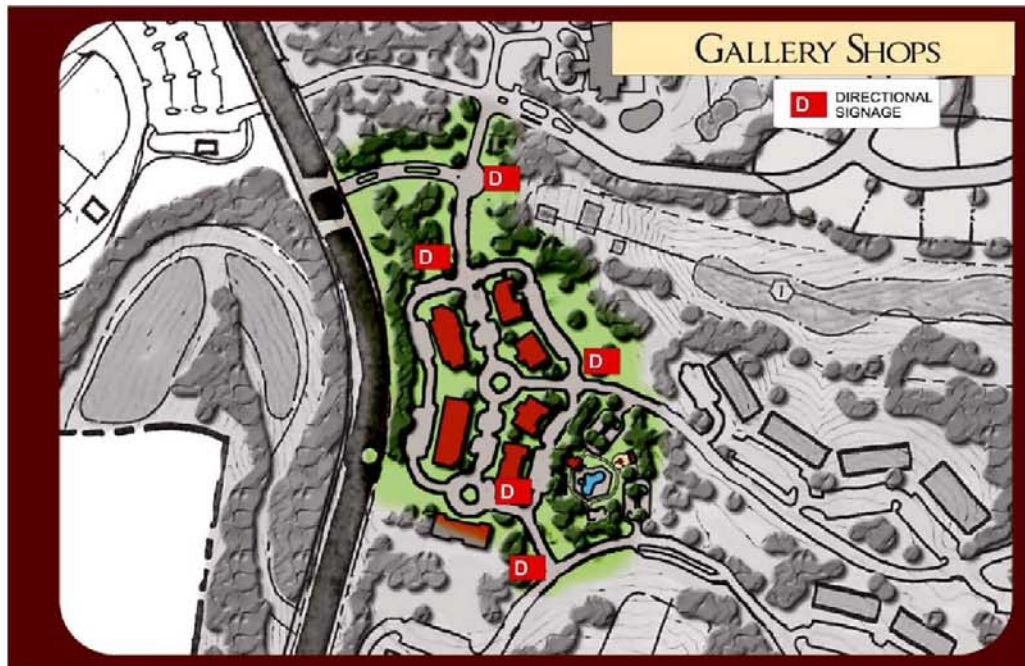






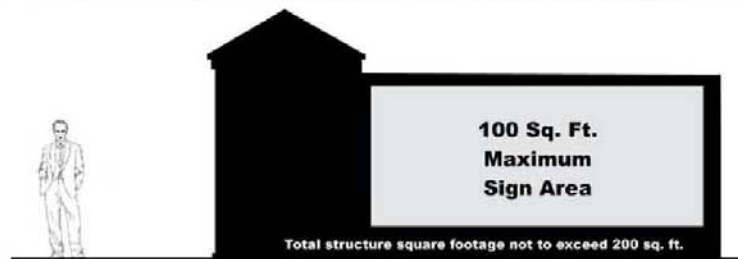
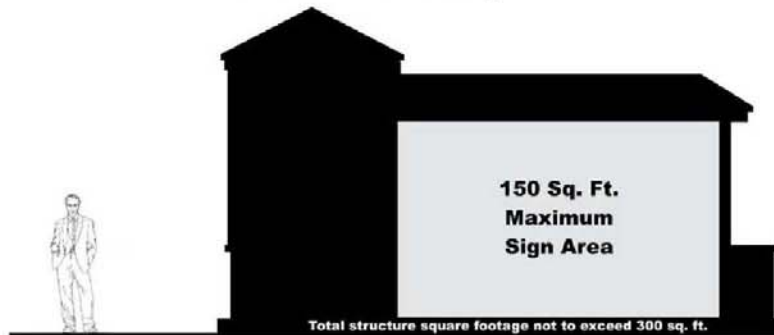




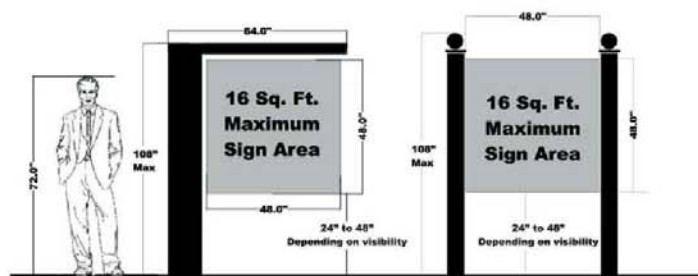




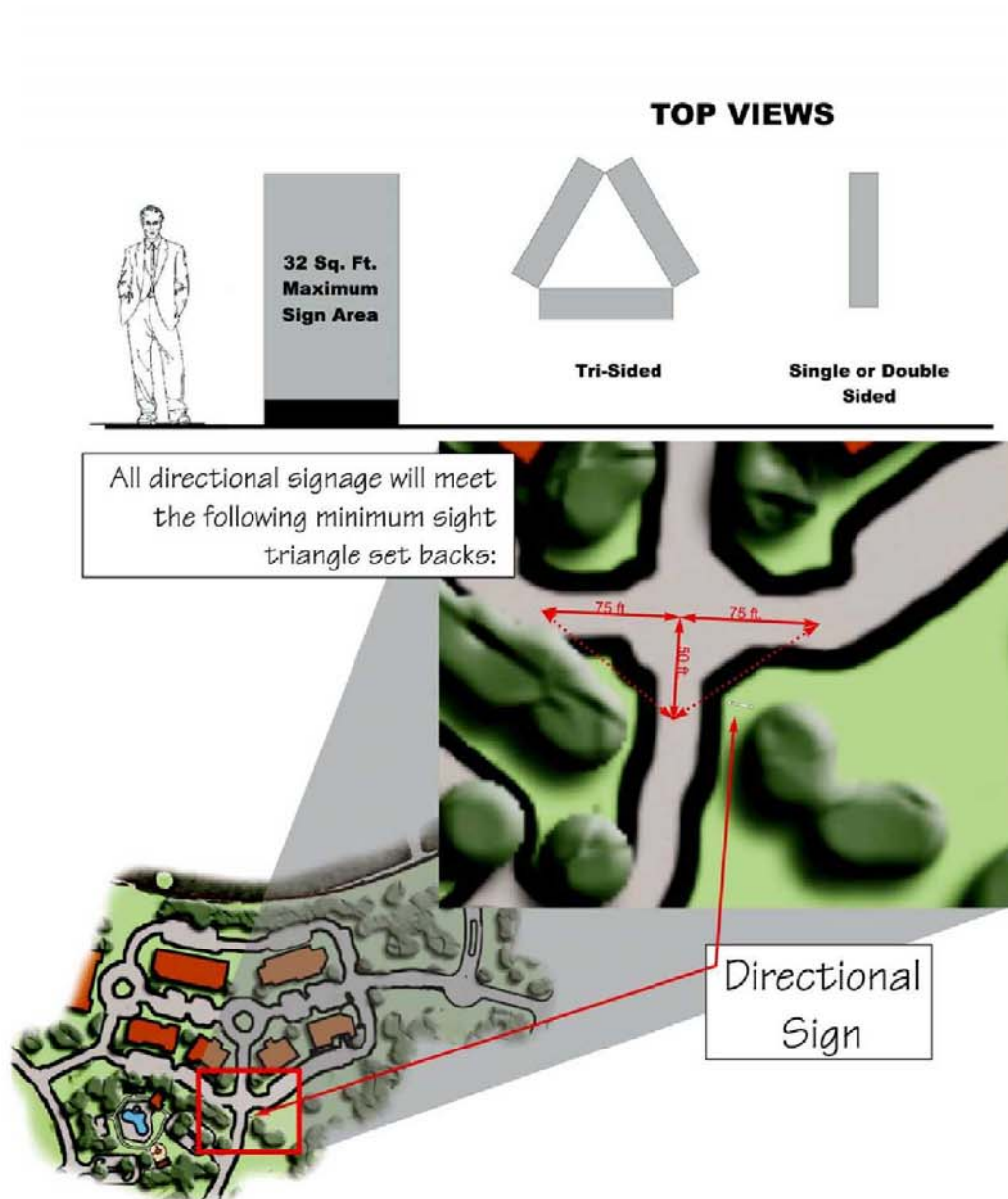
## Monument Size Examples



## Directional Size Examples

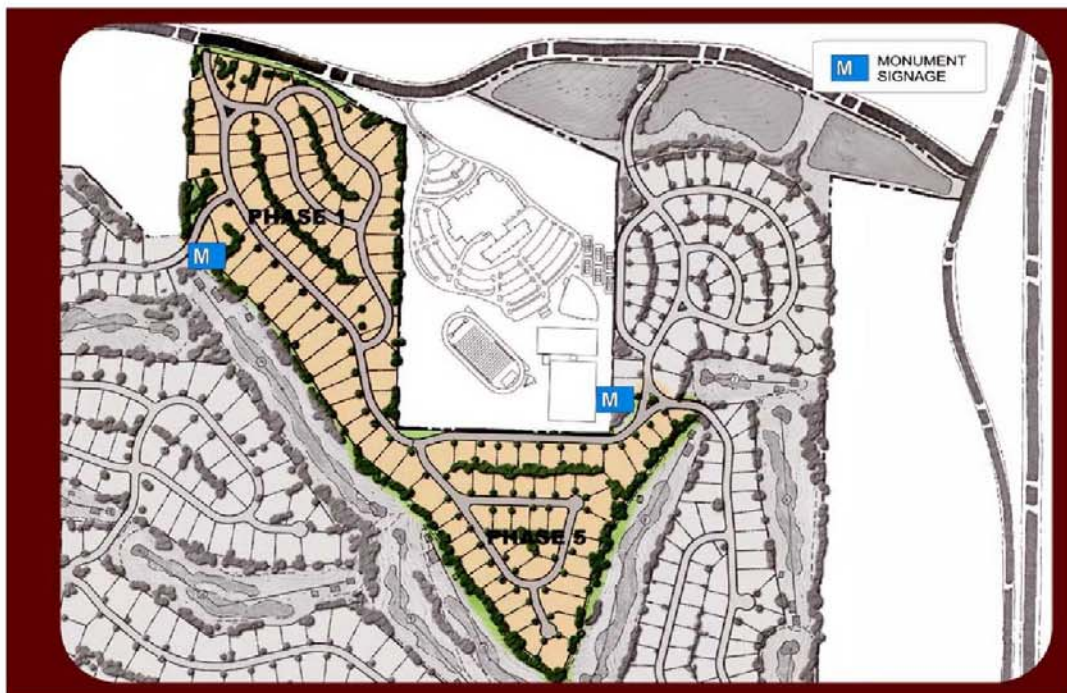
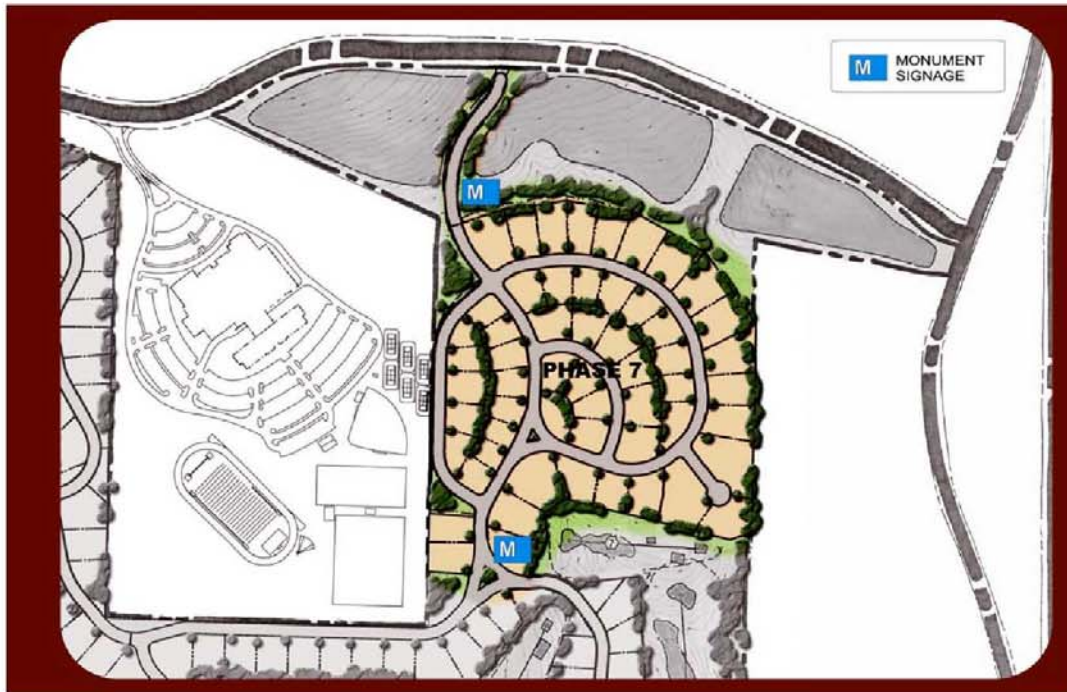


## Directory Size Examples

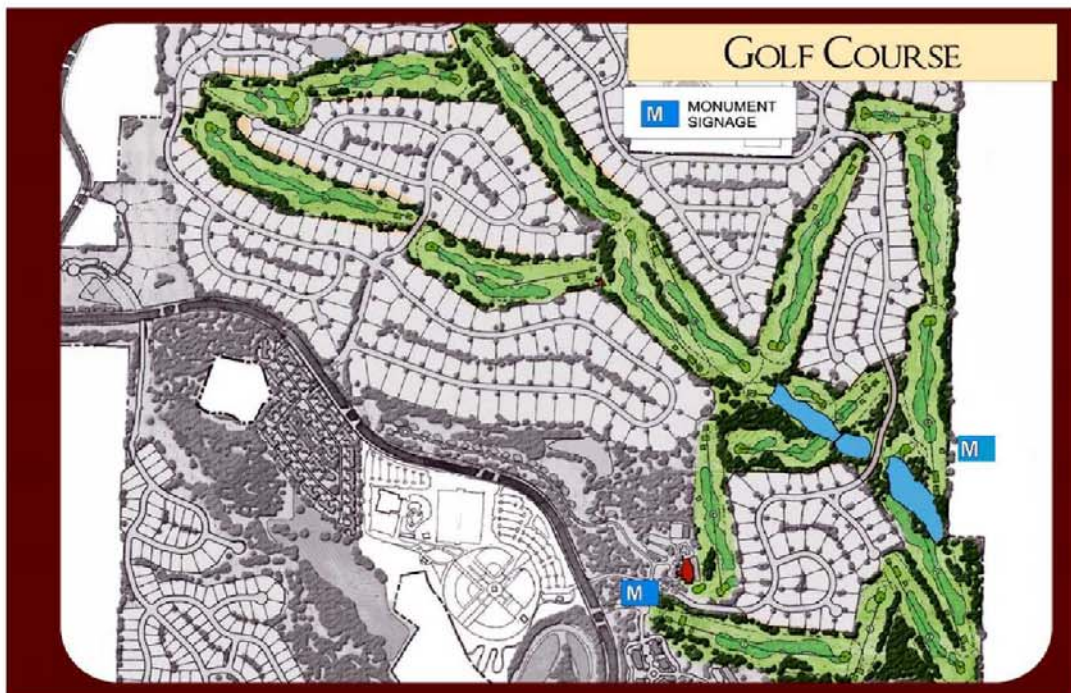


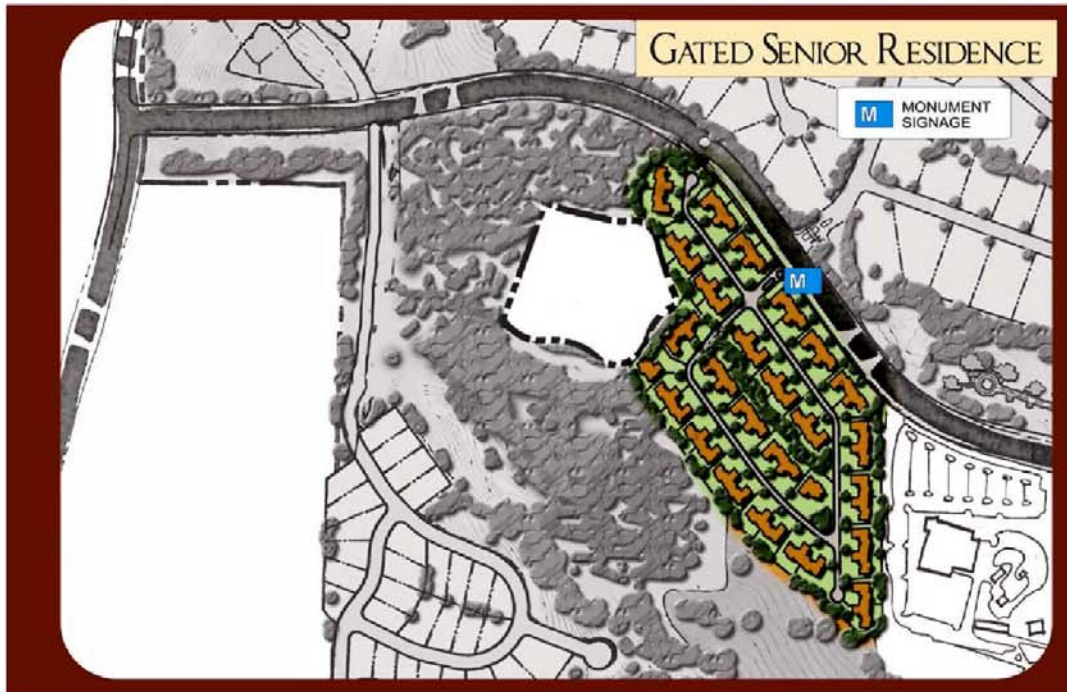




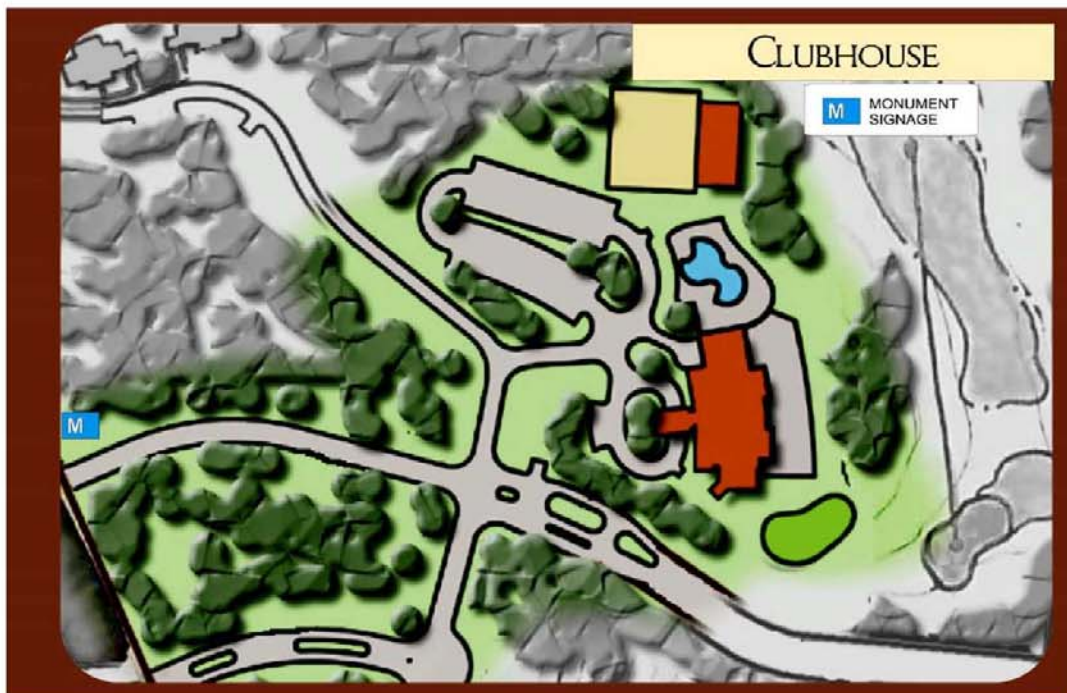








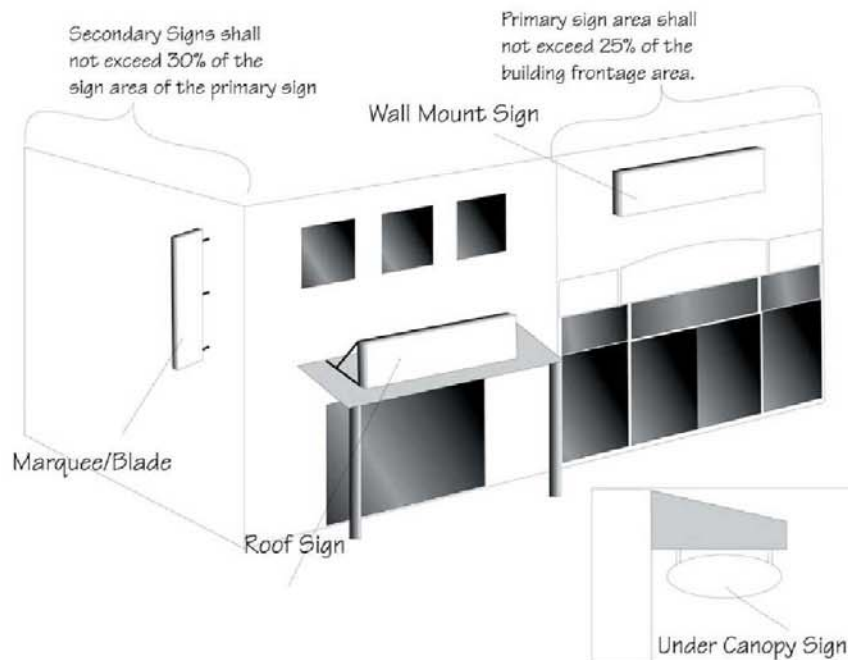
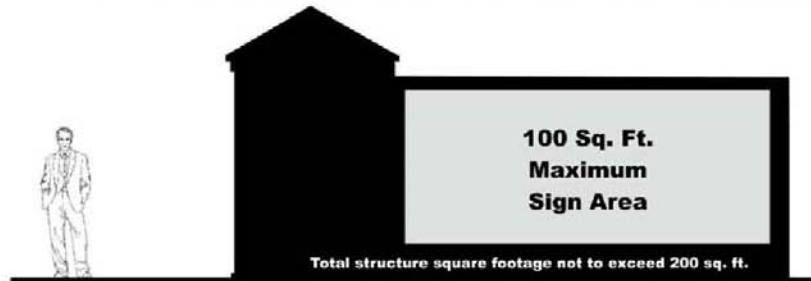
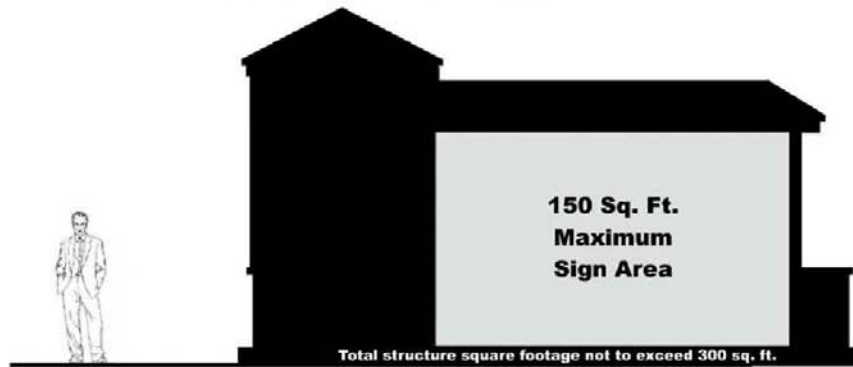


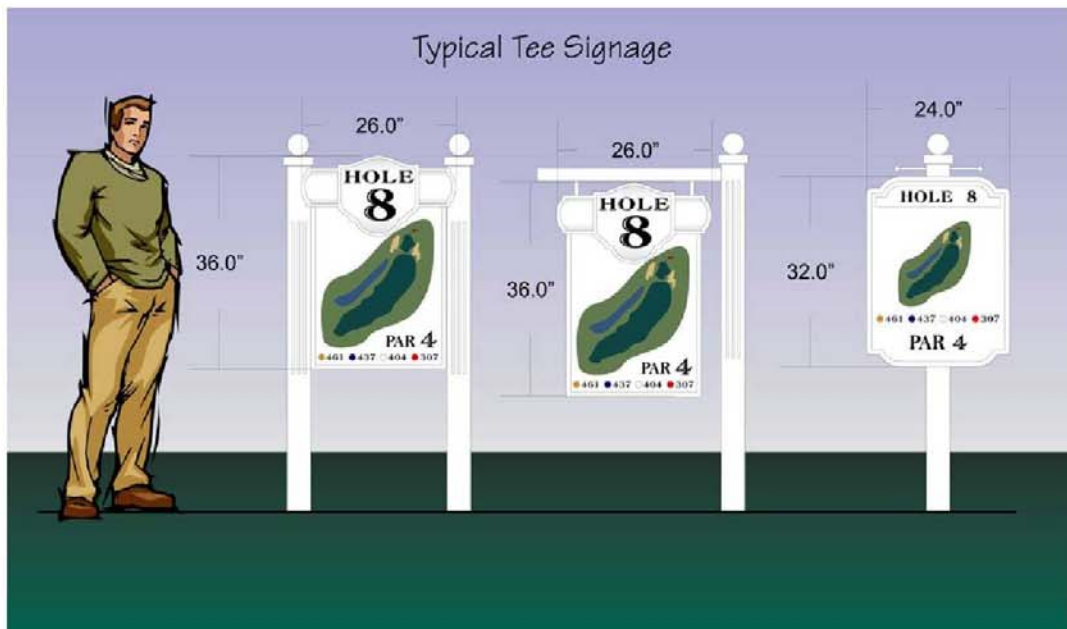
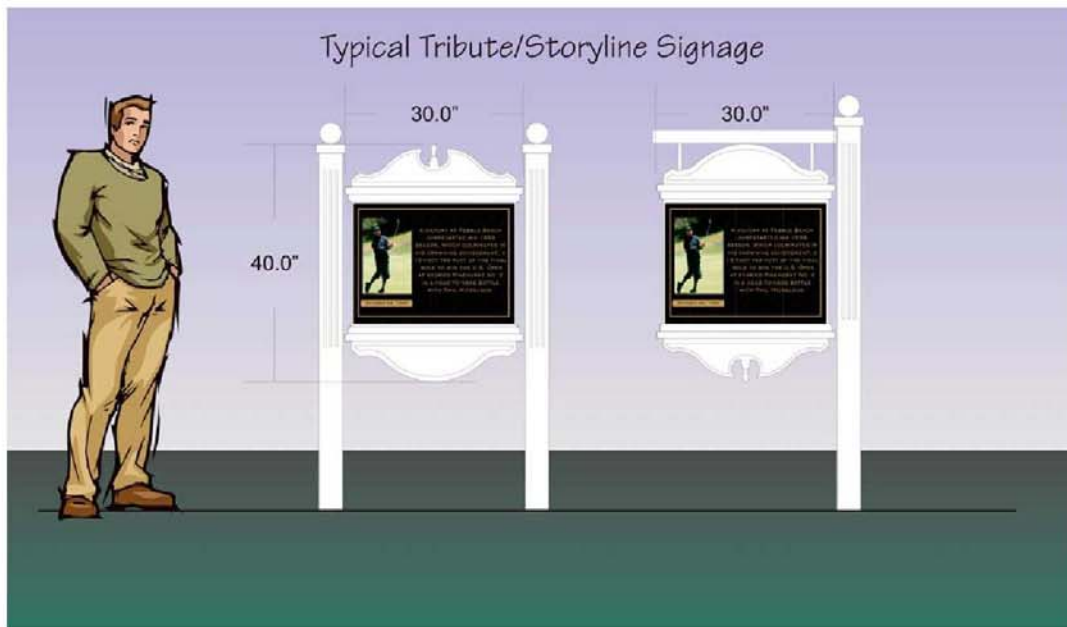


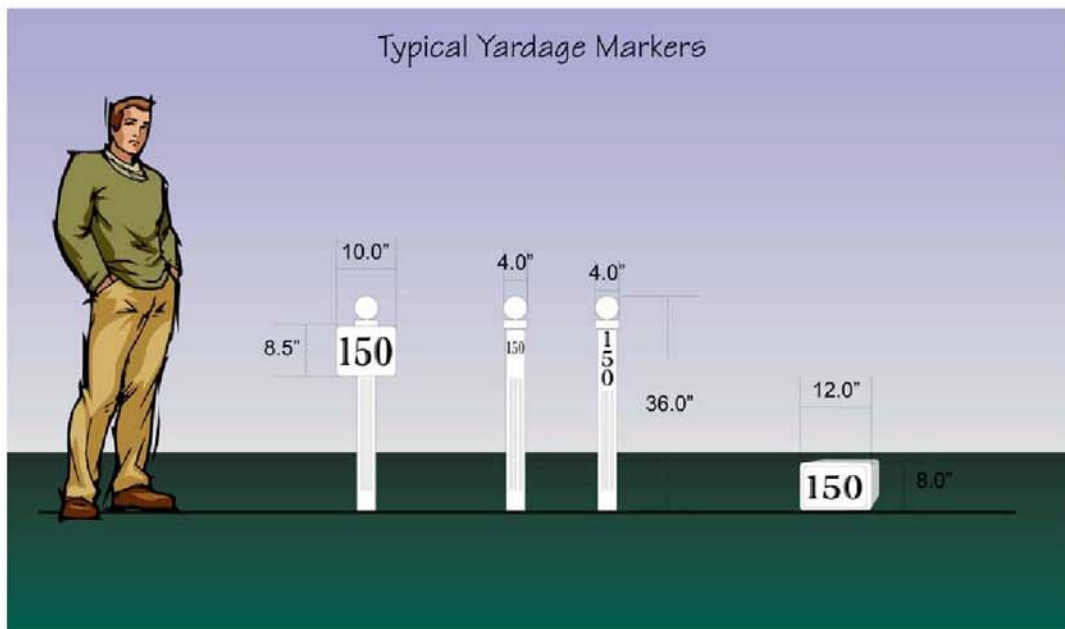




## Monument Size Examples







NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS ~~[BRACKETE, STRICKEN]~~ HAS BEEN REMOVED.